

TITLE 09, CHAPTER 06, SUBCHAPTER C
(09 NCAC 06C .0101-0406 Proposed for Adoption)

Name of Commission: NC 911 Board

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NC 911 Board
PO Box 17209, Raleigh NC 27619-7209

Impact Summary: State government: Yes
Local government: Yes
Substantial impact: Yes

Authority: G.S. Chapter 62A. Article 3- (G.S. 62A-40 et seq.)

Necessity: The adoption of the rules is necessary for the Public Safety Answering Points of the State of North Carolina to achieve and provide a consistent and high level of service to ensure the safety of all citizens. Adoption of these rules is an extension of federal law and regulation adopted by the Federal Communications Commission¹ and authority of the NC 911 Board conferred by the General Assembly to establish policies and procedures to fund advisory services and training for PSAPs, set operating rules and to provide funds in accordance with these policies, procedures and rules, and to adopt rules to implement Article 3 of Chapter 62A.

Summary:

The NC 911 Board adopted policies previously established by the Wireless 911 Board. Those policies were established pursuant to legislative authority. With the legislative changes in S.L. 2010-158, the Board recognized that adoption of operational standards, together with extant policies, comprise rules as defined in G.S. 150B. The proposed rules incorporate policies that are currently followed by voice communications service providers and local government operated Public Safety Answering Points (PSAPs). The rules also relate to the collection of 911 surcharges and reimbursement of Cost Recovery for the commercial mobile radio service (CMRS, i.e. cellular telephone) providers. These rules allow for the review of provider records to ensure proper handling of funds and they are necessary to ensure the same level of service for all areas.

The Appendix contains the proposed rule text; underlined text identifies changes in response to S.L. 2007-383 and S.L. 2010-158, and the remaining text illustrates proposed rules based on pre-existing Board policies. Note, however, the whole text is proposed for adoption in the NC Administrative Code. The Board may waive a rule and/or hold hearings if necessary criteria are met as noted in the proposed 09 NCAC 6C .0106 rule. The following table provides an overview of the Board's operations and the impact of the proposed rules by affected parties.

¹ US Government Printing Office. Electronic Code of Federal Regulations. Title 47, CFR 20.18 (911 Service).
<http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=6185e7a422e7294e5878693f387f18ca&rgn=div8&view=text&node=47:2.0.1.1.1.0.1.12&idno=47>

Table 1. Proposed Rule Impacts

Impact by Affected Party	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
<i>Public</i>					
Benefit from 911	unquantified	unquantified	unquantified	unquantified	unquantified
Total 911 Surcharge Fees	-80,735,525	-80,765,236	-80,945,672	-81,129,994	-81,318,192
Net Impact¹	unquantified	unquantified	unquantified	unquantified	unquantified
<i>Service Providers (CMRS)</i>					
Fee Collections Less Transfers to State Entities ²	1,178,320	1,180,142	1,189,142	1,198,325	1,207,694
Cost Recovery Transfer from 911 Board to 6 Providers	8,155,647	7,575,311	7,575,311	7,559,988	7,768,756
Administrative Costs ³	-1,178,320	-1,180,142	-1,189,142	-1,198,325	-1,207,694
Cost of Service to 6 Providers ³	-8,155,647	-7,575,311	-7,575,311	-7,559,988	-7,768,756
Net Impact	0	0	0	0	0
<i>911 Board</i>					
Net Fee Revenue ²	18,622,206	16,653,916	17,044,776	17,257,092	17,249,000
911 Grant Awards to Local Gov't	-15,280,532	-13,433,000	-14,356,766	-13,894,883	-14,125,825
Administrative costs ³	-631,664	-627,315	-637,959	-632,312	-632,529
Net Impact⁴	2,710,010	2,593,601	2,050,051	2,729,897	2,490,646
<i>DOR</i>					
Fees from Prepaid	640,000	500,000	500,000	500,000	500,000
Administrative Costs ³	-640,000	-500,000	-500,000	-500,000	-500,000
Net Impact	0	0	0	0	0
<i>Local Governments (PSAPs)</i>					
Cost Recovery and Grant Awards from the 911 Board	67,419,883	68,288,867	68,993,210	68,509,472	68,718,568
Cost of 911 Service and Expansions ³	-67,419,883	-68,288,867	-68,993,210	-68,509,472	-68,718,568
Administrative and Compliance Costs	-15,724,742	-15,814,797	-15,419,552	-15,188,360	-14,960,636
Other Compliance Cost	unquantified	unquantified	unquantified	unquantified	unquantified
Net Impact	-15,724,742	-15,814,797	-15,419,552	-15,188,360	-14,960,636
<u>TOTAL NET QUANTIFIED IMPACT</u>	-93,750,256	-93,986,432	-94,315,174	-93,588,457	-93,788,182
NPV of Net Quantified Impacts (million) ⁵	-412				

¹ Net impact on the public is expected to be positive.

² Excludes the transfers of fee revenues to other entities.

³ Assumes the costs would be equal each year to the funds designated for cost recovery.

⁴ Positive balances are used as reserves for future grants to local governments.

⁵ NPV means net present value and it is computing using a discount rate of 7%.

Introduction:

In 1989, the North Carolina General Assembly passed the Public Safety Telephone Act recognizing 911 as a toll free number through which an individual in the State can gain rapid, direct access to public safety aid. The Act became law as North Carolina General Statute Chapter 62A. The Act authorized local governments to set a service fee, which varied from \$0.25 to \$4.00, for collection from telephone subscribers by the local carriers. The collection of the 911 service fee was used to pay eligible costs associated with establishing Public Safety Answering Points (PSAPs) within their jurisdictions and receiving 911 calls.

The US Congress passed the Telecommunications Act of 1996 and this required states to adopt individual legislation to address wireless 911 telecommunications. While many hundreds of pages fill the Federal Communications Commission records on the subject of 911 calls, only a few federal regulations² are particularly relevant to G.S. 62A and these proposed rules.

The General Assembly adopted Session Law 1998-158³ codified as Article 2 of G.S. Chapter §62A with provision for a 911 Wireless Fund and creation of the Wireless 911 Board. This law defined the composition of the Fund and the requirements for PSAP participation. The law provided funding for an enhanced wireless 911 system for the use of personal cellular communications services and other wireless telephone customers in response to the mandate by the Federal Communications Commission in Docket 91-102.⁴ During the 2007 legislative session House Bill 1755 was introduced “to modernize and improve the administration of the State’s 911 system through a statewide 911 Board by ensuring that all voice communication services contribute to the 911 system and by providing parity in the quality of service and the level of 911 charges across voice communications service providers.” The bill was passed as Session Law 2007-383⁵ and was effective January 1, 2008. It required all voice communications service providers to collect a single rate 911 service fee and remit collections to the State 911 Board rather than to local governments; since then, local governments no longer have authority to collect such fees. The State 911 Board distributes funds to the PSAP based upon criteria set forth in the new law. The law capped the service charge at \$0.70 (seventy cents), but the Board is currently charging \$0.60 (sixty cents).

The State’s original 911 legislation resulted in a specialized call delivery method. Calls were, and largely now remain, routed to appropriate primary PSAPs based on the physical location of the caller. Prior to widespread wireless communications, wireline call routing was accomplished through services provided by wireline telecommunications companies, which were covered by a tariff the companies applied to

² See, e.g., the Federal Communications Commission Order (CC Docket No. 94-120, Report and Order and Further Notice of Proposed Rulemaking. 11 FCC Rcd 18676 (1996)) and 47 C.F.R. 20.18

³ North Carolina General Assembly, S.L. 1998-158, An ACT to provide for a wireless enhanced 911 system for the use of cellular, personal communications service, and other wireless telephone customers, as recommended by the Joint Legislative Utility Review Committee, and to allow state agencies to lease public property for the construction of wireless communications towers and to encourage co-location of services to those towers, and to make a technical correction to G.S. 62A-10.

<http://www.ncleg.net/Sessions/1997/Bills/Senate/PDF/S1242v7.pdf>

⁴ Federal Communications Commission. Docket No. 91-102, Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

<http://apps.fcc.gov/ecfs/document/view;jsessionid=YRtdPfqHGkXDB3WgG0T14bLBLpbZWl9Mb1G2Mg1nV0t1V2p8bvgp!-321460796!1471562840?id=6513401501>

⁵ North Carolina General Assembly, S.L. 2007-383, An act to modernize and improve the administration of the state’s 911 system through a statewide 911 board, by ensuring that all voice services contribute to the 911 system and by providing parity in the quality of service and the level of 911 charges across voice communications service providers.

<http://www.ncleg.net/Sessions/2007/Bills/House/PDF/H1755v7.pdf>

subscribers. Today, most 911 calls originate from wireless devices (e.g. cellular telephones) and the methods of delivering those calls, along with other non-traditional calling platforms (e.g. voice over Internet protocol) rely primarily on the extant 911 call routing platforms, but newer technologies are expected to introduce other methods.

The 911 service fees are collected by voice communications service providers as part of such providers' billing for telecommunications services. Providers are not responsible for collecting unpaid 911 service charges. Providers are statutorily allowed to retain up to 1% of their 911 receipts for administrative expenses associated with the collection of service fees. This 1% percent is not part of any cost recovery percentage that is determined by the Board. The balance of 911 receipts is delivered to the 911 Board.

The 911 Fund is an interest-bearing special revenue fund within the State Treasury. The 911 Board administers the Fund. The 911 Board may deduct up to two percent (2%) of the total service charges remitted for its administrative expenses. For FY 2014-15 the Board only deducted 1% or close to \$700,000. The remaining revenues remitted to the 911 Board are deposited in the 911 Fund and the Board allocates them as follows:

1. A percentage (may vary annually) of the funds remitted by CMRS providers to the 911 Fund are allocated for reimbursements back to CMRS⁶ providers (pursuant to G.S. 62A-45) for the purpose of recovery costs related to Enhanced 911 service requirements (based on forecasted expenditures). These costs include those incurred for designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service. For FY2014-15, the cost recovery amount is estimated to approximately \$8M.
2. A percentage of the funds remitted by CMRS providers are allocated for monthly distributions to primary PSAPs pursuant to G.S. 62A-46. The PSAP monthly distribution is currently based on a methodology that includes the five-year rolling average of expenditures. Current distributions based on this method are approximately \$52M per year.
3. The 911 Fund balance remaining at year end after CMRS reimbursements and PSAP distributions is transferred to the PSAP Grant and Statewide 911 Projects Account to enable funding for rural or high-cost area PSAPs or projects that provide a statewide benefit. In addition, the Grant fund allows for the 911 Board to use these funds for a statewide project that meets legislative criteria. If the remaining funds in the 911 Fund are not transferred for use of Grants, it must be distributed to PSAPs on a per capita basis, as stated in G.S. 62A-46 (4) (b).

Purpose:

The purpose of the 911 policies proposed for codification by the Board is to achieve a level of standardization that would ensure high quality responses to 911 callers. In the beginning, there was no standardization in public safety communications. Employees were hired based on local procedures, if any existed. Since communications centers were part of local government, run by elected officials and department heads, there were often questionable hiring decisions. After a person was hired, initial

⁶ The FCC Order required a reimbursement mechanism for Commercial Mobile Radio Service (CMRS) providers. That requirement has been rescinded, but the General Assembly has not repealed CMRS reimbursements (G.S. 62A-45).

training was defined by local policy, and usually consisted of brief in-house instruction, followed by a short period of supervised on the job training, which was often inadequate.

Continuing education training was also lacking in many areas. In addition to a Basic Telecommunicator Training Class for new hires, the N.C. Sheriffs' Commission developed an annual 16-hour continuing education requirement for all telecommunicators who work for a Sheriff. The N.C. Justice Academy is tasked with developing the courses presented in this annual training requirement. Many agencies do not offer any kind of regular continuing education training, and the training provided is often reactive vs. proactive in nature. Many communications centers are staffed at levels that barely handle the workload, with usually just one person on duty, making it difficult to provide training for the staff, without incurring overtime costs. And because most centers operate on minimal budgets, there is little overtime money available, which further discourages training opportunities.

Because many communications centers were, and still are, under the managerial control of a law enforcement entity, the communications function was often given a lesser priority in importance and funding. People that manned the communications center were often those too inexperienced to be an officer, not physically fit to function as a field officer, or an officer who was relegated to "office duty" as a result of injury or discipline. Being a public safety Telecommunicator was seldom viewed as a profession unto itself. In many cases, the person(s) manning the communications center were required to perform additional duties, such as greeting the public, performing clerical work such as entering records, and caring for inmates in the jail.

Before the Wireless 911 Board, funding for 911 and public safety communications was provided 100% from local general funds. Again, because many communications centers were managed by law enforcement department heads, patrol cars, weapons, uniforms, and other equipment took priority over communications equipment. Also, the resources the public safety Telecommunicator had at his/her disposal had little to no standardization. Local police are based on the wants of agency heads and resource availability in the jurisdiction. Even today, one county may provide Advanced Life Support Paramedics on their ambulance and the communications center provide the Emergency Medical Dispatch (EMD) level of care, while a county next door responds with an ambulance staffed with Basic Life Support EMTs and the dispatch center does not have the capability to use the EMD protocol system. This results in a huge disparity in the level of service to the customer.

Many changes in technology over the past 20 years have further increased the gap between high and low performing PSAPs. The first 911 call was placed in 1967 in Haleyville, Alabama, and what began as 911 is very similar to what we know as "Caller ID" today. The customer's name and telephone number was provided to the Telecommunicator, but no location information was available. There were no computers in the communications centers. The information gathering process was done by paper and pencil, and recorded on paper logs or IBM style cards, and times were stamped on the cards with a punch clock.

Furthermore, the Federal Communications Commission has reached an agreement with 4 major wireless communications providers to make text messages to 911 available to those communications centers that are ready to accept them (a number of counties in 11 states, including Durham county in NC, currently have this capability).⁷ Currently being discussed is technology that will allow a caller to send pictures and

⁷ Federal Communications Commission. Guide: What You Need To Know about Text-to-911. <http://transition.fcc.gov/cgb/text-to-911-deployments.pdf>

other real time data to communications centers. Once this information is received, it is put into Computer Aided Dispatch (CAD) programs, which use static address information and GPS location information to recommend which field responders are assigned to the call. Radio systems are IP based, and an unlimited number of “talk groups” can operate on shared radio frequencies. Some agencies are slow to embrace these technological advances, and many agencies cannot afford the new technology. The lack of standardized equipment requirements is one of the leading reasons interoperability among communications centers is so hard to achieve, and limits the level of service communications centers can provide to their citizens.

For the reasons stated above, clearly defined rules and operating procedures are necessary to provide a level of service that is consistent with the expectations of the general public and good practices. Without rules and operating procedures, PSAPs can place themselves in dangerous situations, not always of their own making. Due to competing priorities of local governments, or out of financial necessity, PSAPs are often required to operate with less than adequate staffing, staff training, or equipment. Additionally, personnel may also be required to perform functions that hinder or prohibit their ability to answer and process emergency calls for assistance. This concern is noted in the State 911 plan. The 911 Board sees this as an unacceptably dangerous situation for PSAP employees, public safety first responders, and the public. It is also seen as a significant liability concern for the PSAP. Without rules the public cannot be assured that someone is always available to answer an emergency call for help in a timely manner.

There are currently no technical minimum standards for equipment used in a PSAP. Subsequently, the hardware and software used range from state of the art technology to antiquated devices that can no longer be supported and have not been manufactured and sold for years. In the absence of rules regarding technology, many PSAPs will be slow to upgrade equipment and networks required to deal with the emerging means of communication. This could result in a poor and potentially dangerous level of service to those who need the service most.

Currently, because of the lack of statewide standards, a 911 center is not required to have even equipment as basic as a back-up generator or an emergency preparedness plan, and most PSAPs do not have one. While these may seem like common sense attributes for an organization such as a PSAP that deals in emergencies, the lack of such provides an example of the need for operating standards and rules in North Carolina.

Perhaps the most important need for operating standards and rules is the assurance to our citizens, who directly contribute to our 911 fund, that there is at least a minimum acceptable level of reliability in the technical aspects of our 911 system, and that a minimum level of competency exists for any person who answers a 911 call for help anywhere in our state.

911 Standards Committee:

G.S. 62A-42, Powers and Duties of the 911 Board, states one of the duties is “to establish policies and procedures to fund advisory services and training for PSAPs, to set standards for PSAPs, and to provide funds in accordance with these policies, procedures, and standards.” As a result, the 911 Board approved the creation of a Standards Committee at their July 16, 2010 meeting and tasked the Committee with establishing a set of standards that would provide a uniform level of service to all parts of the State.

The Committee opted to adapt existing and nationally recognized standards from organizations such as Association for Public-safety Communications Officials (APCO), National Emergency Number Association (NENA), National Fire Protection Association (NFPA), and The Commission on Accreditation for Law Enforcement Agencies (CALEA), instead of creating new ones. These national standards have stood the test of time, and currently apply to hundreds of 911 centers across America. They represent the blueprint for the foundation of minimum statewide rules from which continual improvement in reliability and responsiveness can be built.

The Committee also strove to create rules that are vendor and technology neutral, ensuring the rules embrace any new technologies as well as current technology. The Committee identified the following categories as priorities for standards creation:

- Physical Plant/Facilities,
- Equipment,
- Telecommunicator Qualifications/training, certifications, and continuing education,
- Staffing,
- Database/MSAG Activity,
- Call Handling,
- Disaster Recovery, and
- Access.

The Committee decided to use the standards set forth in National Fire Protection Association Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems (NFPA 1221)⁸ as the “foundation” document. Elements of other standards, such as the NENA standard for answering emergency calls, were inserted or merged into the foundation document to form a hybrid set of standards that best achieved the goals of the Committee. There were no other standards adopted on the conditional basis. All the standards used came from NFPA (98%) and NENA (2%). To ensure the 911 Board Operating standards received a thorough and accurate examination process, several methods of review and input were utilized.

Nothing has been proposed by this agency that a reasonable person would not consider as a minimum standard. Even some regulations adopted from the organizations listed above have been slightly relaxed in an attempt to lessen the burden on some PSAPs. For example, the NFPA (National Fire Protection Association) 1221 standards were 63 pages in length. The Board’s 911 Standards Committee approved Standards relating to NFPA 1221 that are only approximately 22 pages in length. In drafting these Standards, the Committee realized that the state was moving from a condition of no rules or standards governing PSAP operations to one with rules and standards, so the approach was taken to make these initial rules minimal in impact and scope. For that reason many of the NFPA Standards were removed.

NFPA 1221 were used as the basis for operational standards in part because the Insurance Commission in NC already uses these standards to determine homeowners’ insurance rates. “As a condition for receipt of a grant from the North Carolina 911 Board for any type of new construction or for a renovation of an existing structure and/or facility incorporated into the construction agreement(s)...” the Board asks that

⁸ Available for purchase, or free of charge for NFPA members, at: <http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=1221>.

certain building requirements are met. This requirement was adopted directly from NFPA 1221 since all building construction is required to adhere to applicable NFPA standards. It is the Board's understanding that Fire Departments in NC adhere to this section of the NFPA codes when constructing their buildings. The Board modified this section of the NFPA code to apply only to buildings for which the 911 Board provides funds. In addition, these standards are quite technical so in some places the Board removed many of the building standards as they were redundant since construction would have to meet local and state construction codes.

These minimum rules for technology and training are necessary to avoid a sub-standard statewide 911 system that could endanger life and property in the state, which is a cost we cannot afford. These rules address the overall installation, performance, and operations of a Primary PSAP.

Stakeholder Input:

All of the Standards Committee meetings were open to the public, were well publicized and if attendance in person was not possible, remote call-in access was provided. The Standards Committee actively sought feedback and comments from PSAP Directors, Finance Directors, and City/County Managers. And, because the meetings were generally well attended much feedback was received. Time was set aside during each meeting for comments from the audience, and comments/concerns were solicited from the above mentioned target audience via email. The Committee was sensitive to the financial and operational impact the creation of rules would have on the local level. The Committee attempted to lessen the financial burden on local governments by taking the following steps:

- Eliminating the requirement of two telecommunicators on duty for 24 hours a day;
- Providing and supporting a system that collects, stores, and collates data from Customer Premise Equipment. The ECaTS data collection system is provided to all primary and recognized secondary PSAPs; and
- Participating in Statewide projects that provide needed products and services to PSAPs in a more cost effective manner than each PSAP purchasing individually. An example of this is the statewide ortho imagery projects. Other possibilities might include the Board providing language interpretation services to all PSAPs.

The Committee makeup also included members of the PSAP community in addition to field responder agencies, such as police and fire, to ensure both PSAP personnel and the people they service had an opportunity to assist in creating these standards. The Committee reached out to other agencies in North Carolina, who potentially had a vested interest in the rules process, such as the N.C. Justice Academy in the area of standardized training, and the N.C. Office of Emergency Medical Services, which is the licensing authority for the Emergency Medical Dispatch (EMD) level of care.

Surveys:

While no formal surveys were distributed among PSAPs in North Carolina, multiple efforts to solicit feedback were offered through public hearings and question/answer sessions at Standards Committee meetings held in Greensboro and Raleigh. These meetings were generally well attended and many comments were received. The two rules of most concern were:

- 09-NCAC-06C-0207-(c) (4): requires that no additional duties be assigned that could interfere with a Telecommunicator receiving and processing emergency calls.

- 09-NCAC-06C-0207-(d) (2): requires the Emergency Medical Dispatch level of care be provided on all medical calls for service.

The Committee listened and weighed all comments against known national standards and community expectations, as well as a reasonable expectation the rules could be accomplished state wide.

Description of Proposed Rules:

The proposed rules replace policies adopted by the 911 Wireless Board, and subsequently adopted by the 911 Board. Table 2 shows how the proposed rules relate to current policies and what the rule impacts are.

Table 2. Proposed Rule Changes and Their Impact

Proposed Rule	Current Policy (Revised 9/18/06)	Impact
<u>09 NCAC 06C .0101 – Forms</u> The rule states that the Board shall prescribe forms the regulated community must use to ensure uniformity in operations. The forms are available on the Board’s website. ⁹	This policy has been effect since 2001.	Minimal impact. Board forms are completed by staff so this cost is covered by the 1% of collected 911 fees (or \$800,000) that are slated for the administrative costs incurred by service providers. The PSAP staff time to fill out the forms provided by the Board is included in the PSAP staff cost below.
<u>09 NCAC 06C .0102 – Definitions</u> The rule defines a list of terms used throughout the proposed rules.	Additional definitions were added in the proposed rule	No impact.
<u>09 NCAC 06C .0103 – Administration</u> The rule explains the scope, purpose, and applicability of the proposed rules.	Standards Section 1, Administration	No impact.
<u>09 NCAC 06C .0104 – Failure to Comply with Rules</u> This proposed rule pertains to Service Providers and PSAPs who do not appear to be in compliance with GS 62-A or the FCC 94-102 Report and Order. If after notification, the Service Provider fails to respond, the Board may file a complaint with the FCC, the NC Utilities Commission, or any other regulatory body having jurisdiction over the Service Provider.	Defined in Section 8, Failure to Comply with Wireless Board Procedures, subsections (a)	Distributions and payments are only suspended until compliance, so the impact comes from temporarily foregone benefits. To date, no service provider has had funds withheld. Since this has not occurred, no history of cost is available. See compliance costs discussed below (note costs below assume 100% compliance).

<p><u>09 NCAC 06C .0105 – Review 911 Fund Expenditures</u></p> <p>This rule requires PSAPs to maintain detailed records of 911 funds received and the use of these funds. PSAPs shall maintain these records for 5 years and make the books available for inspection by the Board and PSAPs shall cooperate with any reviews or audits.</p> <p>The same principles shall apply to CMRS service providers in regards to records related to service charges remitted and requests for cost recovery.</p>	<p>This policy has been in effect since 2000 and is part of current legislation G.S. 62A-42 (5) as part of the Boards responsibility.</p>	<p>Of the 120 PSAPs, 25% were polled to determine cost of gathering and completing documentation required for review of the Revenue-Expenditure report. For the 4 PSAPs that responded, the administrative cost ranged \$700.00 to \$3,000.00 per fiscal year. Assuming the average cost of \$1,850 is representative of the 120 PSAPs, the annual estimated cost is \$222,000. This cost is covered with general fund monies. Pertaining to CMRS, the cost is part of the administrative cost and is covered by the 1% retained by the CMRS providers for collecting the 911 service fee.</p>
<p><u>09 NCAC 06C .0106 – Waiver of Rules</u></p> <p>The rule sets the conditions under which the Board may grant waivers from rule compliance.</p>	<p>N/A</p>	<p>To date, no waivers have been requested so cost savings from the waiver and administrative costs are difficult to estimate.</p>
<p><u>09 NCAC 06C .0107 – Hearings</u></p> <p>This proposed rule provides a PSAP or Service Provider a means of responding to a Board action that might be adverse or questionable. The request for a hearing must be made within 30 days of becoming aware of the situation.</p>	<p>This policy has been in effect since 2000 and is part of current legislation G.S. 62A-48 as part of the Boards responsibility.</p>	<p>The Board has had no request for hearings so there is no history of cost, making estimation difficult; however, it is unlikely that the administrative costs would be significant and they would be covered with funds allocated from fees collected to the affected parties to cover administrative costs.</p>
<p><u>09 NCAC 06C .0108 – Declaratory Rulings</u></p> <p>This proposed rule states upon the request of an aggrieved person, the Board shall issue a declaratory ruling as to the rule, Statute, or order of the Board.</p>	<p>N/A</p>	<p>To date, there has been no occurrence therefore, no historical cost can be determined. The costs related to the procedure are likely to be minimal and covered with funds allocated to cover administrative costs.</p>

<p><u>09 NCAC 06C .0201 – PSAP Eligibility</u></p> <p>PSAP eligibility is a function of compliance with the FCC Order and G.S. 62A requirements. The PSAP must have the ability to receive a call and call information.¹⁰ This call information includes location of the caller and identification of the caller; i.e. “enhanced 911” or “E911.” Other eligibility criteria include being separately identified in its governing agency’s budget. An equipment vendor or service provider must certify the PSAP is capable of receiving and dispatching wireless Phase 1 enhanced 911 services.</p>	<p>Defined in Section 1, Definitions and Scope, subsection (d)</p>	<p>At this time legislation does not allow for additional PSAPs to be created. The existing PSAPs have already met requirements, and their costs have been reimbursed from the Fund using a 5-year rolling average of eligible expenditure and 20% carry forward. There are 120 Primary PSAPs and since each PSAP operates differently, the yearly distributions to the PSAPs from the 911 Fund have ranged from \$908 to \$3,697,360.</p>
<p><u>09 NCAC 06C .0202 – PSAP Eligible Expenditures</u></p> <p>This proposed rule states any expenses incurred solely to receive and use the voice and data elements necessary for wireline and wireless phase 1 and phase 2 compliance may be fully paid from the PSAPs 911 fund distribution. This would include the eligible lease or purchase and maintenance of telephone equipment, hardware, and software associated with Computer Aided Dispatch systems, and associated GIS hardware and software that will allow a wireless caller’s location to be determined and displayed. This rule also provides a list of costs that are not eligible to be paid for with 911 funds.</p>	<p>Defined in Section 2, Allowable Expenses to Be Paid From the Fund, subsection (a)</p>	<p>At this time, the annual cost of eligible expenses is \$52M in aggregate. PSAPs receive reimbursements for this expense from the 911 Fund, which receives about \$79 million annually in fees (after funds are taken out to cover the administrative costs of the CMRS providers, prepaid card vendors, and the Board) from the citizens of North Carolina who are currently charged by their telecommunications service provider \$0.60 per subscriber line to cover 911 related costs. There are 120 Primary PSAPs. PSAP cost varies due to expenses incurred each year, so the range for reimbursable expenditures is from \$29,000 to \$2,100,000.</p>

¹⁰ See G.S. 62A-49, 47 C.F.R. 20.18, and 11 FCC Rcd 18676 (1996) (the FCC Order).

<p><u>09 NCAC 06C .0203 – Termination and Suspension of 911 Fund Distributions</u></p> <p>This rule states any Primary PSAP that is not identified or included in its governing agency’s budget, or in any audit pursuant to the Local Government Budget and Fiscal Control Act, will not be eligible for distributions from the 911 Fund. Distributions that lapse due to the termination of a Primary PSAP shall be reallocated by the Board.</p> <p>Distributions suspended shall be maintained by the Board until such time as the PSAP complies with applicable statutes, these rules, and Board policies and procedures.</p>	<p>Defined in Section 2, Allowable Expenses to Be Paid from the Fund, subsections (f) and (g)</p>	<p>The suspension of monthly distributions has occurred within the past three years for one PSAP due to failure to meet current legislative requirements. The funds were distributed to the PSAP once they were in compliance. It is difficult to predict how many more occurrences of such nature there will be in the future; however, in the event they do happen, the impact would be temporarily foregoing access to 911 Funds until compliance is regained.</p>
<p><u>09 NCAC 06C .0204 – PSAP Reporting</u></p> <p>Any PSAP receiving or requesting 911 Fund distributions must submit a copy of its governing agency’s approved budget to the Board, detailing the revenues and expenditures associated with the operation of its 911 system, by December 1st of each year.</p> <p>The PSAP shall submit a report on or before December 1st of each calendar year, detailing all revenues and expenditures associated with 911 systems during the preceding fiscal year. The report shall be on a form supplied by the Board.</p>	<p>Defined in Section 4, Procedures for Payment from the PSAP Fund, subsection (c) (III)</p>	<p>The information reported is required by the Local Government Commission and accounting standards, and the report to the Board is an excerpt of information existing in other records. A short electronic form is utilized for this purpose.¹¹ As a result, the rule would have little to no impact.</p>

¹¹ See G.S. 62A-49, 47 C.F.R. 20.18, 11 FCC Rcd 18676 (1996) (the FCC Order) <https://www.nc911.nc.gov/forms/index.asp>

<p><u>09 NCAC 06C .0206 – Backup PSAPs</u></p> <p>This rule requires PSAPs to have an alternate means of receiving and processing calls when a Primary PSAP becomes inoperable due to a catastrophic failure. The backup center is a mirror image of the Primary so that the method of receiving and processing 911 calls are not affected by outages or failures at the primary PSAP site. In turn, this avoids disruptions in service that could cause the difference between life and death. Backup centers are considered part of the 911 system.</p> <p>The Board will provide funds for backup PSAP equipment (recurring and non-recurring costs), provided the local agency submits a written determination of need to the Board, as well as a written plan describing how the backup PSAP will operate, including detailed cost information on both one-time and recurring costs. Due to the critical public functions performed by Primary PSAPs, organizations such as NENA and APCO recommend having a backup plan and a backup operations center.</p>	<p>Defined in Section 2, Allowable Expenses to be Paid from the Fund, subsection (a) (ii) (1 through 5)</p>	<p>Backup PSAP eligible costs vary among PSAPs since it depends on the design of the plan. The backup costs include the initial set-up and on-going recurring operational cost. Backup costs range from \$19,000 to \$3.7m for initial set-up and from \$6,393 to 351,886 for recurring expenses.</p> <p>To date the Board has approved 30 backup PSAPs and these costs are included each year with the Primary costs that the Board reimburses.</p> <p>Of the 30 approved PSAP backup plans, only 2 PSAPs provided their administrative cost for setting up the backup, and those ranged from \$850 to \$1,204.</p> <p>Assuming an average of \$1,000 is representative of all PSAP, the one-time annual fiscal year 2016 cost would be \$90,000 for the remaining 90 PSAPs.</p>
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<p><u>09 NCAC 06C .0207 – PSAP Operations and Management</u></p> <p>The rule sets out requirements related to staffing the PSAPs, training of staff, and other operational procedures.</p> <p>The Board publishes a list of approved training courses and funds development of other courses which are provided at no cost to PSAPs. Most PSAPs require their employees to acquire various certifications, such as Basic Telecommunicator and Emergency Medical Dispatch certifications. These certifications and the protocol system hardware and software required for Emergency Medical (and Police and Fire Dispatch) are allowable 911 surcharge expenditures.</p> <p>Most primary PSAPs were established prior to creation of the Wireless 911 Board and those related costs were addressed in legislation at that time. Current legislation limits funding to primary PSAPs in a manner that precludes establishing new primary PSAPs, excepting the potential for consolidating PSAPs. To date, all primary PSAPs operating in North Carolina have met the eligibility requirements established by the FCC and Chapter 62A, Article 3 and no others have sought funding for establishing a primary PSAP.</p>	<p>Standards sec 6: Operations</p>	<p>Eligible expenses incurred by a primary PSAP are limited by G.S. 62A-46. Eligible operations and management costs include most training and staff certification related costs.</p> <p>Any expenditure non-eligible for reimbursement from the 911 Fund will be covered from local government general funds. Cost for individual salaries are not eligible for reimbursement and are provided by the PSAP. The average annual salary and benefits for a telecommunicators is \$43,500. Given that each PSAP would need at least 3 telecommunicators to have someone available around the clock, and given that there are 120 PSAPs, the total employee annual cost local governments would incur is close to \$15.5 million.</p> <p>The Board distributes funds to PSAPs on a monthly basis for eligible expenditures from the 911 Fund. This distribution is determined based on a 5-year rolling average of expenditures and will vary each year.</p>
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<p><u>09 NCAC 06C .0208 – Public Safety Answering Point (PSAP) Facilities</u></p> <p>The rule outlines the physical requirements PSAP facilities must meet.</p>	<p>Standards sec 3: PSAP Facilities & sec 4 Power</p>	<p>Primary PSAPs, Backup PSAPs, and Secondary PSAPs will receive the funding necessary to cover eligible operations and maintenance of eligible expenses. The current funding mechanism for the Primary and Backup fall under the current 5-year rolling average and 20% carryforward method. The Secondary PSAP funding is based on the calculation of the Primary PSAP approved expenses divided by the call volume to get a cost per call. This is then multiplied by the number of calls the Secondary receives to get the total to be disbursed for the year. Currently, the aggregate annual cost for all entities amounts to \$52 million.</p>
<p><u>09 NCAC 06C .0209 - Telephones</u></p> <p>Telephone equipment must meet certain requirements in order for a PSAP to operate properly. Primary PSAPs operate with Enhanced 911, meaning that calls must be received accompanied by the caller location and identification. Such information allows a Telecommunicator to call back if needed. Since 911 call delivery does not allow calls out, the Telecommunicator must have means to place such calls. The goal of this rule is to provide a minimum of two 911 emergency telephone lines to deliver calls to the PSAP, and one administrative line per Telecommunicator. The 911 lines are to be answered before non-emergency calls to provide citizens a high level of service.</p> <p>Call answering times and metrics are established to ensure a level of service consistent with the NFPA Standard 1221, which is also utilized by the NC Dept. of Insurance¹² and is an industry recognized standard; e.g. NENA 56-005.</p>	<p>Standards sec 7: Telephones</p>	<p>The cost associated with the requirements for equipment and operations of telephone devices are eligible 911 expenses. These costs vary due to vendor and location of PSAP. The Board remains vendor neutral but can provide PSAPs with quotes to assist in reducing costs.</p>

¹² The Dept. of Insurance utilizes NFPA 1221 when rating emergency communications centers (i.e. PSAPs), and such ratings affect consumer insurance rates.

<p><u>09 NCAC 06C .0210 - Dispatching Systems</u></p> <p>Telecommunicators use dispatching systems to communicate with appropriate response agencies (e.g., law enforcement, fire, EMS). Design, installation, and maintenance of dispatching systems are essential to 911 operations because such provide information to the response agency, and ensure redundancy so emergency calls are processed without failure. The system should consist of diagnostic software to allow for monitoring the equipment so notification to user can be made in case the system detects fault or failure. The radio communications system should also have a monitoring system to act in the same manner.</p>	<p>Standards sec 8: Dispatching Systems</p>	<p>The cost of the dispatching system is an eligible 911 expense.</p>
<p><u>09 NCAC 06C .0211 - Computer Aided Dispatching ("CAD") Systems</u></p> <p>CAD Systems provide displays and tools that allow a Telecommunicator to handle 911 calls efficiently. These systems provide call disposition, call notes, tracking, and status of a 911 call. Some CAD systems identify available response resources (e.g. law enforcement, fire, EMS) based on the 911 call, and some systems incorporate automatic dispatching. The operation, sustainability, and maintenance of all components of the CAD system should be redundant and include automatic failover capability to ensure that the system does not fail.</p> <p>CAD systems typically access non-public information such as personally identifiable information and restricted law enforcement information. Therefore, it is necessary to have several levels of security for all users. Only authorized individuals should have access to the CAD system hardware. This system should also employ antivirus software to protect against system infection.</p>	<p>Standards sec 9: CAD Systems</p>	<p>CAD system costs necessary for performing the 911 functions are eligible expenses.</p>

<p><u>09 NCAC 06C .0212 - Testing</u></p> <p>Testing should be applied to all 911 systems at regular intervals. Equipment testing guidelines are generally determined by manufacturers' specifications. The PSAP will take steps to ensure the appropriate level of training is provided to correct faults. If the fault is outside the scope of the individual(s) performing testing, then the PSAP must take action and involve an appropriate vendor.</p>	<p>Standards sec 10: Testing</p>	<p>The system is monitored by vendors through remote monitoring maintenance contracts. This cost varies for each PSAP and it is difficult to determined, and therefore it is not quantified in this analysis.</p>
<p><u>09 NCAC 06C .0213 - Records</u></p> <p>The proposed rule seeks to utilize record retention requirements to assist PSAPs and the Board by retaining operational expenses of each PSAP. Much of the PSAP equipment eligible under G.S. 62A-42 is characterized as 3 to 5 year property. The Board's funding model utilizes a rolling average spanning 5 years to ensure that capital costs and useful life costs are captured. Per the Public Records Law, G.S. 131-1 et seq., and the Archives and History Act, G.S.121-5, Local Government Agencies are required by law to follow the records retention and disposal schedules. Meeting the proposed rule does not require more than existing law.</p>	<p>Standards sec 11: Records</p>	<p>Minimal impact related to storage.</p>
<p><u>09 NCAC 6C .0301 - Registration of CMRS Service Providers</u></p> <p>This rule requires CMRS Service Providers, or any reseller of any commercial mobile radio service, which receive authority to serve any area within the State of North Carolina, to register within thirty (30) calendar days of receiving authority to operate, or beginning operations, in North Carolina.</p>	<p>This policy has been in effect since 2000 and is part of current legislation G.S. 62A-42 (5) as part of the Board's responsibility.</p>	<p>Minimal administrative impact to both the Board staff and the provider. These costs are covered with Board and CMRS funds designated for administrative costs (currently, about \$700,000 and \$800,000, respectively).</p>

<p><u>09 NCAC 6C .0302 – CMRS Service Provider Reimbursement Plan</u></p> <p>This rule states any CMRS Service Provider desiring reimbursement of eligible expenses from the 911 Fund must prepare and submit a detailed cost recovery plan to the Board. Plans shall be reviewed by Board staff and any committee established by the Board for such purpose. Confidential information shall not be publicly disclosed. The CMRS provider must provide a detailed implantation plan and a cost recovery plan.</p>	<p>Defined in Section 6, Procedures for CMRS Reimbursement</p>	<p>The CMRS provider retains 1% of the surcharge collected for the 911 fee to accommodate for the administrative cost of collections and cost recovery plan reimbursements. Currently, the funds CMRS providers retain for administrative costs per year are close to \$800,000. Cost recovery reimbursements that CMRS providers are eligible for amount to about \$8 million.</p>
<p><u>09 NCAC 6C .0303 – Cost Recovery Plan Review</u></p> <p>This rule allows the Board to establish a committee to review CMRS providers cost recovery plans. The Committee will be composed of the Board’s Executive Director, chairperson (or their designee) the Board’s auditor or financial advisor, and one or more Board members who are familiar with technical aspects of Enhanced 911 Systems. Board members representing CMRS providers cannot be members of this committee.</p>	<p>Defined in Section 6, Procedures for CMRS Reimbursement, subsection (b)</p>	<p>The administrative cost at this time is approximately \$1,100 per each occurrence. The frequency is dependent on plan updates. This may occur once a year. The individuals currently reviewing documents for approval are the Executive Director, Financial Analyst and Accounting Manager. This cost is covered from the Board’s about \$700,000 funds allocated for administrative costs.</p>
<p><u>09 NCAC 6C .0304 – CMRS Service Provider Reimbursement</u></p> <p>This rule states that sworn invoices must be submitted by the CMRS provider for cost recovery. Costs may be the actual incurred cost, an estimate of the incurred costs, or the approved rate per subscriber, multiplied by the actual subscriber count. If an estimate is used, the CMRS provider must annually true up the costs to ensure over-recovery does not occur.</p>	<p>Defined in Section 6, Procedures for CMRS Reimbursement, subsection (j)</p>	<p>The CMRS provider retains 1% of the surcharge collected for the 911 fee to accommodate for the admin cost of collections and cost recovery plan reimbursements.</p>

<p><u>09 NCAC 6C .0305 – CMRS Service Provider Reporting</u></p> <p>This proposed rule requires CMRS Service Providers to submit quarterly reports to the Board that identify or graphically depict areas of the state in which wireless or enhanced wireless 911 services have been implemented and indicating the schedule, if known, for implementing such services in the CMRS Service Providers’ remaining service areas.</p> <p>Each CMRS Service Provider shall file an annual report with the Board, by February 15th of each year that provides total customer count as of December 31 of the preceding year. This annual report, as well as the required monthly reports, shall be subject to verification by the Board.</p>	<p>Defined in Section 6, Procedures for CMRS Reimbursement, subsection (k)</p>	<p>Unless the FCC allows for a new licensed CMRS provider quarterly reports are not necessary as the majority have already met requirements. The CMRS providers receiving cost recovery, submit the information monthly and the cost for them to complete report is covered by the retained 1% administrative fee.</p>
<p><u>09 NCAC 6C .0306 – Remittance of Service Charges</u></p> <p>Service Providers must submit service charges to the 911 Board, payable by check to the 911 Board, or by electronic transfer of funds. Voice communications service providers that assess the service charge to resellers of their services shall remit such service charges to the Board.</p> <p>The Office of Information Technology Services will act as the receiving agent for the Service Providers monthly payments, and as the Administrator of the 911 Fund.</p>	<p>Defined in Section 3, Accountability of Revenue, subsection</p>	<p>The Service Providers deduct 1% of the funds collected from the public to cover administrative cost for remitting the 911 fee to the NC 911 Board.</p>

<p><u>09 NCAC 6C .0307 - Prepaid Wireless Service</u></p> <p>This rule states a Reseller of wireless services is not responsible for collecting and remitting the service charge if the Reseller's voice communication service supplier remits the appropriate service charges for the wireless services resold by the Reseller.</p> <p>A Reseller of wireless services shall give notice to the Board if the service charges will be remitted to the Board by the Reseller's voice communication service suppliers. This notice shall include the identity of the suppliers, the contracts or other documents, together with other information as may be necessary to calculate the appropriate service charge, and such other information as may be required by the Board.</p>	<p>Define in G.S. 62-A-43 (b) Prepaid Wireless</p>	<p>Minimal impact.</p>
<p><u>09 NCAC 06C .0401 – PSAP Grants</u></p> <p>The grant provision (G.S. 62A-47) reflects a significant change in traditional 911 funding. The Board adopted a policy describing two grant programs. Uses of grant funds are limited in one case to eligible expenses, but in another extend beyond such limitations (see G.S. 62A-47(b) (1 – 4))</p>	<p>Defined in G.S. 62A-47 (a) PSAP Grant and Statewide 911 Projects</p>	<p>The Board's operations are, as with all others, funded from the administrative costs reserved pursuant to G.S. 62A-44(b). PSAPs may seek grants in their discretion, therefore administrative costs of such are within the PSAP's control.</p>
<p><u>09 NCAC 06C .0402 - Grants for Construction</u></p> <p>The requirements for this section will depend on type of construction for Grant request. The NC 911 Board encourages renovating existing structures to meet rules. The Board has awarded grants for construction of a few PSAPs that plan to consolidate.</p>	<p>Standards sec 5: Grants for Construction</p>	<p>Currently, the Board has awarded only two construction grants in aggregate of approximately \$15M.</p>

<p><u>09 NCAC 6C .0403 - Grant Agreements</u></p> <p>This proposed rule states grant agreements shall comply with requirements of G.S. 143C and administrative rules.</p> <p>Unless otherwise determined by the Board, grant agreements will have a term not to exceed one year, and will begin on July 1st of the year awarded.</p>	<p>Defined in G.S. 62A-47 (c) PSAP Grant and Statewide 911 Projects</p>	<p>The grantee is responsible for management of the project and completing the objectives and goals presented in the Grant application. If these goals are not met, the grantee will reimburse the Board for cost receiving during the project and if no costs were incurred the Board will withdraw grant agreement.</p>
<p><u>09 NCAC 6C .0404 - Grant Application Approval</u></p> <p>This rule states the Board will approve grants for leased equipment only if the applicant can demonstrate that a lease agreement would be financially beneficial to the grant program. Priorities for awarding of grants will be determined by the Board.</p>	<p>Defined in G.S. 62A-47 (b) PSAP Grant and Statewide 911 Projects</p>	<p>To demonstrate the lease option being financially beneficial, a quote from the provider reflecting purchase outright and then lease cost through term. The cost for leasing equipment can involve interest charges if done through debt service agreements, which is usually more than purchasing outright.</p>
<p><u>09 NCAC 06C .0405 – Grant Funds</u></p> <p>The rule describes the management of the Fund accounts and conditions under which the grantee may be required to return the amount awarded.</p>	<p>Defined in G.S. 62A-46 (b) PSAP Grant and Statewide 911 Projects</p>	<p>PSAPs incur the costs related to managing the grant funds and these costs are not known by the Board. No grantees have failed meeting the conditions so no historical data is available to determine impact.</p>
<p><u>09 NCAC 6C .0406 - Grantee Reports</u></p> <p>Grantees must submit reports to the Board summarizing expenditures of the grant funds and the activities supported by the grant funds. Unless otherwise stated in a Grant Agreement, the reports are due 15 days after the end of a quarter.</p> <p>A final report must be submitted to the Board no more than 45 days after completion of the grant, detailing the activities, expenditures of the funds, and the ways in which the needs identified in the grant application were met. The final report must be accompanied by supporting documentation for all expenditures of the grant funds.</p>	<p>Reporting policy is part of the grant contract with grantee and has been Board policy since 2010.</p>	<p>Minimal Impact.</p>

The table below presents a detailed overview of the fees collected by the Boards from citizens and their distribution, as well as additional 911 system related costs that are not covered by these funds.

Table 3. DETAILED 911 FEE COLLECTIONS, TRANSFERS OF COLLECTIONS, AND EXPENSES RELATED TO 911 SERVICES

Impact by Affected Party	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
<i>Public</i>					
911 Surcharge Fees Paid	-80,735,525	-80,765,236	-80,945,672	-81,129,994	-81,318,192
Benefit from 911 ¹	unquantified	unquantified	unquantified	unquantified	unquantified
Net Impact	-80,735,525	-80,765,236	-80,945,672	-81,129,994	-81,318,192
<i>Service Providers</i>					
Collection of 911 fees	80,735,525	80,765,236	80,945,672	81,129,994	81,318,192
Transfer of 911 Board share of fee collection	-78,917,204	-79,085,094	-79,256,530	-79,431,669	-79,610,499
Transfer of DOR cost recovery	-640,000	-500,000	-500,000	-500,000	-500,000
Net Collections	1,178,320	1,180,142	1,189,142	1,198,325	1,207,694
Service Provider Administrative Cost ¹	-699,885	-699,778	-699,671	-699,565	-699,458
Prepaid Administrative Cost ²	-478,435	-480,364	-489,471	-498,760	-508,236
Cost of Service ²	-8,155,647	-7,575,311	-7,575,311	-7,559,988	-7,768,756
CMRS Cost Recovery Reimbursement	8,155,647	7,575,311	7,575,311	7,559,988	7,768,756
Net Impact	0	0	0	0	0
<i>911 Board</i>					
Fees Transferred by Service Providers	78,917,204	79,085,094	79,256,530	79,431,669	79,610,499
Disbursement of CMRS Cost Recovery	-8,155,647	-7,575,311	-7,575,311	-7,559,988	-7,768,756
Disbursement of PSAPs Cost Recovery	-52,139,351	-54,855,867	-54,636,444	-54,614,589	-54,592,743
Net Fees After Disbursement	18,622,206	16,653,916	17,044,776	17,257,092	17,249,000
911 grant awards to Local Gov't	-15,280,532	-13,433,000	-14,356,766	-13,894,883	-14,125,825
Board administrative costs ²	-631,664	-627,315	-637,959	-632,312	-632,529
Net Impact ³	2,710,010	2,593,601	2,050,051	2,729,897	2,490,646

Impact by Affected Party (cont'd)	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19
DOR					
DOR Prepaid Administrative Costs ²	-640,000	-500,000	-500,000	-500,000	-500,000
DOR Cost Recovery Collected from the Citizens	640,000	500,000	500,000	500,000	500,000
Net Impact	0	0	0	0	0
Local Governments (PSAPs)					
Cost of 911 Service and rule compliance ²	-52,139,351	-54,855,867	-54,636,444	-54,614,589	-54,592,743
PSAPs Cost Recovery Reimbursement	52,139,351	54,855,867	54,636,444	54,614,589	54,592,743
Receipt of 911 grant awards	15,280,532	13,433,000	14,356,766	13,894,883	14,125,825
Cost of expansions funded by grants ²	-15,280,532	-13,433,000	-14,356,766	-13,894,883	-14,125,825
PSAP Administrative Cost	-2,742	-2,797	-2,852	-2,910	-2,968
Personnel and Other Non-Reimbursable Costs	-15,722,000	-15,812,000	-15,416,700	-15,185,450	-14,957,668
Other Costs ⁴	unquantified	unquantified	unquantified	unquantified	unquantified
Net Impact	-15,724,742	-15,814,797	-15,419,552	-15,188,360	-14,960,636
<u>TOTAL NET QUANTIFIED IMPACT</u>	<u>-93,750,256</u>	<u>-93,986,432</u>	<u>-94,315,174</u>	<u>-93,588,457</u>	<u>-93,788,182</u>
NPV of Net Quantified Impact (mil.)	-411.9				

¹ Benefit from 911 Service is expected to be at least equal to total fees the public pays. Therefore, the net impact on the public is expected to be positive.

² The table assumes the costs would be equal to the fees and reimbursements service providers, DOR, and PSAPs receive each year.

³ Positive balances in the funds are used as reserves for future grants to PSAPs.

⁴ Additional cost are unquantifiable and they may differ between Local Government jurisdiction.

Assumptions

Based on current trends, it is presumed the future revenues generated by voice providers will decrease in certain service types while increasing in others, hence the fluctuation in 911 fee collections presented in the impact tables. In addition, a decrease from wireline (landline) to other voice provider's service has already had an impact on the industry. Due to the changes in individual's needs, a decrease will not reflect a substantial increase for use by the NC 911 Board to adequately cover expenses as set forth in

North Carolina legislation G.S. 62-A. There are several reasons as to why this fluctuation is reasonable to assume:

- The trending of mobile data use has increased approximately 120% in the US from 2012 to 2013 according to CTIA.¹³ Due to the mobile data increase, the purchase of cell phones has only slightly increased as many individuals have moved from one type of device to another. For example, an individual moving from landline service to only cell phone. According to the CDC, approximately 39.4% of US households, with landline service, within the first half of 2013 had only wireless service.¹⁴
- Individuals who already have cell phone service are purchasing phones that allow for use of the internet therefore, no additional surcharge is collected.
- Economic uncertainty is also a driving force for individuals to move from wireless to prepaid wireless as the most of the cost incurred is less than the typical cell phone contract and does not require the individual to enter into a long-term contract.
- Wireline collections have decreased over the last few years as many lower income families are choosing to pay for only one type of service plan.¹⁵

Historical data of revenues received by the NC 911 Board over the past several years supports the future trend of decreased collections. This data has provided the trend of an estimated 1.5% decrease in wireline revenue over the past 5 years and a current increase of about 2% in prepaid for the past year creating a net change of close to .05% therefore, only a slight increase in future revenue collections. This increase does not substantiate increased future revenue as the current increase is based on newly received collections and is not based on future choices of service providers. There may be a fluctuation at best as consumers transfer from one service to another or completely dropping said service.

The number of Primary PSAPs have decreased from 128 in 2013 to 120 in 2015 however, this number is only reflective of PSAPs directly receiving revenue per G.S. 62A-46. The actual number of eligible PSAPs include Primary, Back-up and Secondary PSAPs. Each Primary PSAP is responsible for creating a back-up PSAP per legislation G.S. 62A-46 (4a) Section 1.4 which, will increase the physical count to 240 PSAPs. In addition, the NC 911 Board approved funding for qualified Secondary PSAPs in 2014 creating an additional 7 PSAPs. It is assumed no additional Secondary will come on-line as it unlikely those remaining throughout North Carolina will meet legislative qualifications. In spite of this 2% increase, based on past approvals of grant consolidations, it is assumed the trend of decreased number of PSAPs (about 1%) carries forward over time as Counties realize that maintaining more than one PSAP within their jurisdiction is not cost effective based on smaller PSAP call volume.

Due to lack of available data and information, the PSAP compliance cost estimates used in the analysis have been based on the survey responses of a small number of PSAPs. Therefore, it is possible that the assumption of those responses being representative for all PSAPs may not hold, which could change the estimates provided in this analysis.

¹³ CTIA's Annual Survey Says US Wireless Providers Handled 3.2 Trillion Megabytes of Data Traffic in 2013 for a 120 Percent Increase Over 2012, CTIA, *Cisco. <http://www.ctia.org/resource-library/press-releases/archive/ctia-annual-survey-2013>

¹⁴ Centers for Disease Control, Steven J. Blumberg, *Wireless Substitution: Early Release Estimates from the National Health Interview Survey, July-December 2009* (May 12, 2010), <http://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless201005.pdf>

¹⁵ U.S. Department of Labor, Bureau of Labor Statistics, *Spending on Cell Phone Services Rapidly Approaching That of Residential Phone Services* (Dec. 13, 2007), <http://www.bls.gov/cex/cellphones.htm>.

Benefits

The 911 Board statistical data collections notes approximately 7.3 million 911 calls made in North Carolina during 2014. This information clearly reflects the need for the 911 system; however, it does not assist in analysis of cost of life or other tangible cost. Since this is unmeasurable, it is worth noting that Federal government agencies generally use in their regulatory impact analysis a value of statistical life close to \$9 million. Therefore, based on this value and the number of annual 911 calls, it is likely that the benefits of these regulations outweigh the costs.

Uncertainties

The implementation of the (NG 911) Statewide IP network is an uncertainty the Board is trying to resolve. The implementation process for this network is estimated to begin within the next 24 to 36 months however, it may take 3-5 years before the actual deployment is completed. The Board is evaluating potential vendors for assistance in preparing and evaluating an RFP for the network design. The impact to move from a legacy network to a Statewide IP network will create duplicate costs because two parallel systems may operate until the Statewide IP network is fully implemented. True costs cannot be determined at this time, but estimates based on researching similar transitions forecasts costs as doubling the cost currently in place for the legacy system during transition.

Alternatives

The Board made a draft of the proposed rules available to interested persons and the Committee held various public meetings. Through comments and further considerations, certain changes were made. Examples of alternatives considered are shown below.

1. The proposed rules initially included provisions regarding PSAP Telecommunicator staffing levels parallel to NFPA 1221. NFPA 1221 standards require that two telecommunicators are on duty at all times. This standard is utilized by the NC Department of Insurance and factors into citizens' property insurance rates. The Board learned that approximately 25% of the Primary PSAPs would be required to employ additional staff at the minimum entry-level rate. This requirement could have translated to a salary cost incurred by affected PSAPs ranging about \$1,294,000– \$1,608,000 yearly in aggregate (note this excludes benefits of about 25%). Moreover, many of the affected PSAPs are operating in rural areas, which generally have lower budget to dedicate to PSAPs, and this requirement would have placed a significant additional financial burden on those local governments.

The range for the potential cost was based on 32 potentially affected PSAPs. The lower limit of the range was computed using the 2013 State of North Carolina county average annual salary for a Telecommunicator 1 of about \$30,400, while the higher end was computed using the average for a Telecommunicator with EMD status of about \$37,800. An additional assumption was made that local governments would have to pay these telecommunicators benefits amounting to a third of their salary.

Based on this potential impact, the proposed rule containing the provision regarding NFPA 1221 staffing levels was withdrawn and replaced by a rule requiring PSAPs to participate in a Board funded data collection system. The system allows each PSAP to have on-demand access to its data to use in identifying times of higher call volume that may necessitate additional staff. Also, the system provides the PSAPs with various information and tools to enhance the level of service PSAPs provide to the citizens they serve, such as addressing call answer times. Moreover, the metrics provided by the system are valuable tools to local governments when measured against other standards, such as NFPA 1221. With this system in place, the same data is used by the 911 Board to assist PSAPs having difficulty meeting standard operating measures by recommending technical, operational, or training advice.

The data collection system has been implemented by December 2013 in all but two PSAPs at no cost to the PSAPs, and it provides means for collection, storage, and collation data into reports enabling interpretation and evaluation of performance, trends, and traffic capacities and related 911 operations. This tool was installed for all PSAPs and Backup PSAPs by the 911 Board fund for the amount of \$2.3m one-time cost and recurring cost of \$691,200 yearly monitoring fee. This lead to \$3-5 million in savings, in net present value terms, over a 10-year period, assuming the costs grow with the rate of inflation of about 1.7% annually.

2. Another alternative that the Board considered involved setting standards for hiring qualified PSAP Telecommunicators. North Carolina does not have qualification standards for individuals becoming a call taker or dispatcher for 911. Information gathered from PSAPs revealed that North Carolina has different levels of service and training among 911 telecommunicators serving citizens throughout the state. While there is a certification authority and process for EMS dispatchers, which is governed by the Office of Emergency Medical Services, that certification is not required for all telecommunicators. In considering this alternative, the Board wanted to ensure that telecommunicators: answer calls in a timely manner, have the knowledge to ask the caller the right questions to identifying the appropriate emergency response, and know how to convey pertinent information to the emergency responders in a concise fashion. All these are critical factors for a successful response that could result in lives being saved and property protected.

Although the Committee tried to address managing the level of service provided to the citizens through hiring standards, it was determined that the Board does not have the necessary statutory authority for this requirement at this time and that such personnel matters should remain with local government human resource management. The Board utilized the information gathered to develop a best practice as an aid to local governments in hiring qualified telecommunicators, and the Board funds training for telecommunicators.

Bibliography & References

APCO Project 33 Revised Minimum Training Standards for Public Safety Telecommunicators
AZ APCO Training Conference 2010, NFPA Standard: How These Affect the Communications Center
Federal Communications Commission National Broadband Plan: Chapter 16 Public Safety
NENA 56-001 Guidelines for Minimum Response to Wireless 911 Calls
NENA 56-005 Call Answering Standard/Model Recommendation
NFPA 1061 Standard for Professional Qualifications for Public Safety Telecommunicator, 2007 Ed.
NFPA 1221
State 911 Plan, see https://www.nc911.nc.gov/pdf/State911Plan_with_Board_modifications.pdf

APPENDIX

Effective dates will be specified for each rule: some will be effective when the rules receive final approval while others such as the PSAP operating standards will become effective at another selected date. All sections of the Board standards document are incorporated into the proposed rule text presented in this appendix and cross referenced below. This change in presentation separates some provisions, such as those regarding grants for construction and standards section 5 for new construction or renovation; (*see .0402 PSAP Grants for Construction*).

Text previously approved by the Board appears throughout this document. The underlined text identifies changes in response to S.L. 2007-383 and S.L. 2010-158, and the remaining text illustrates proposed rules based on pre-existing Board policies.

Some editorial changes have been made to ensure consistency; e.g. “emergency call” has been changed to “emergency 911 call” because both phrases appeared. Additionally, this document includes definitions of some words common to 911 operations or used in the enabling legislation but not defined there (e.g. addressing), and uses definitions from the legislation in lieu of phrasing in the draft standards (e.g. voice communications; *see .0209 Telephones*). A conflict exists between the 3 year retention requirement in .0213 Records (standard 11) and the rule text previously adopted by the Board in .0105. Five year record retention meets the current funding model; i.e. having five years of financial data and support is material to determining the proper level of funding to the PSAPs.

Cross references of Rules to the draft standards:

Rule .0102	Definitions identifies new definitions from the standards
Rule .0103	Standards sec. 1: Administration
Rule .0207	Standards sec 6: Operations
Rule .0208	Standards sec 3: PSAP Facilities & sec 4 Power
Rule .0209	Standards sec 7: Telephones
Rule .0210	Standards sec 8: Dispatching Systems
Rule .0211	Standards sec 9: CAD Systems
Rule .0212	Standards sec 10: Testing
Rule .0213	Standards sec 11: Records
Rule .0402	Standards sec 5: Grants for Construction

09 NCAC 06C.0101 is proposed for adoption as follows:

TITLE 09, CHAPTER 06, SUBCHAPTER C
911 BOARD
SECTION .0100 – FORMS, DEFINITIONS, ADMINISTRATION

09 NCAC 06C.0101 FORMS

The 911 Board shall prescribe forms by or for use by Public Safety Answering Points (PSAPs), Service Providers, and any other parties as may be needed to ensure uniformity in the operation of these Rules and policies adopted by the Board.

History Note: *Authority: G.S. 62A-42;*
Eff.

09 NCAC 06C .0102 is proposed for adoption as follows:

09 NCAC 06C.0102 DEFINITIONS

- (a) “Addressing” means the assigning of a numerical address and street name (the street name may be numerical) to all locations within a local government's geographical service area for the purpose of providing Enhanced 911 service.
- (b) “Appropriate Public Safety Answering Point (PSAP)” means a Primary PSAP or a Board approved Back-up PSAP.
- (c) “Back-up PSAP” means a facility equipped with automatic number identification, automatic location identification displays and all other features common to primary PSAPs. A Backup PSAP receives 911 calls only when they are transferred from the primary PSAP or on an alternate routing basis when calls cannot be completed to the primary PSAP. A Backup PSAP facility is normally unattended is remote from the Public Safety Answering Point and used to house equipment necessary for the functioning of an emergency communications system.
- (d) Circuit. The conductor or radio channel and associated equipment that are used to perform a specific function in connection with an emergency 911 call system.
- (e) CMRS is a commercial mobile radio service.
- (f) CMRS “Non-recurring cost (NRC)” means one-time costs incurred by CMRS Service Providers for initial connection to selective routers and the wireless systems service provider (3rd party vendor non-recurring) cost.
- (g) Communications System. A combination of links or networks that serves a general function such as a system made up of command, tactical, logistical, and administrative networks supporting the operations of an individual PSAP.
- (h) Comprehensive Emergency Management Plan (CEMP). A disaster recovery plan that conforms to guidelines established by the Public Safety Answering Point and is designed to address natural, technological, and man-made disasters.
- (i) Computer-Aided Dispatch (CAD). A combination of hardware and software that provides data entry, makes resource recommendations, and notifies and tracks those resources before, during, and after emergency 911 calls, preserving records of those emergency 911 calls and status changes for later analysis.
- (j) Computer Aided Dispatch (CAD) Terminal. An electronic device that combines a keyboard and a display screen to allow exchange of information between a Telecommunicator and one or more computers in the system/network.
- (k) Control Console. A wall-mounted or desktop panel or cabinet containing controls to operate communications equipment.
- (l) Coordinated Universal Time. A coordinated time scale, maintained by the Bureau International des Poids et Mesures (BIPM), which forms the basis of a coordinated dissemination of standard frequencies and time signals.
- (m) Dispatch Circuit. A circuit over which a signal is transmitted from the Public Safety Answering Point to an Emergency Response Facility (ERF) or Emergency Response Unit (ERU) to notify the emergency response unit to respond to an emergency.

- (n) Emergency 911 call Processing/Dispatching. A process by which an emergency 911 call answered at the Public Safety Answering Point is transmitted to Emergency Response Facilities (ERFs) or to Emergency Response Units (ERUs) in the field.
- (o) Emergency Response Facility (ERF). A structure or a portion of a structure that houses PSAP equipment and personnel for receiving and dispatching 911 calls.
- (p) Emergency Response Unit (ERU). A first responder to include but not limited to a police vehicle, a fire truck, and an ambulance. Personnel who respond to fire, medical, law enforcement, and other emergency situations for the preservation of life and safety.
- (q) Geographic information systems (GIS) are computer programs linking features commonly seen on maps (such as roads, town boundaries, water bodies) with related information not usually presented on maps, such as type of road surface, population, type of agriculture, type of vegetation, or water quality information.
- (r) “GIS base map” means a map comprising streets and centerlines used in a Geographic Information System.
- (s) “Local Exchange Carrier” or “LEC” has the same meaning as provided in Chapter 62 of the N.C. General Statutes.
- (t) Logging Voice Recorder. A device that records voice conversations and automatically logs the time and date of such conversations; normally, a multichannel device that keeps a semi-permanent record of operations.
- (u) Notification. The time at which an emergency 911 call is received and acknowledged at a PSAP.
- (v) Operations Room. The room in the PSAP where emergency 911 calls are received and processed and communications with emergency response personnel are conducted.
- (w) Phase I wireless enhanced 911 service means the CMRS Service Provider delivers to the appropriate PSAP the telephone number of the handset originating the 911 call (callback number), and the location of the cell site/sector receiving the 911 call.
- (x) Phase II wireless enhanced 911 service means the CMRS Service Provider delivers the telephone number of the handset originating the 911 call (callback number) to the appropriate PSAP in addition to the latitude and longitude coordinates representing the handset location.
- (y) “Place of primary use” has the same meaning as provided in the Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124(8), if applicable; and otherwise sourcing shall be determined pursuant to N.C. General Statutes 105-163 or 105-164.4C.
- (z) Public Safety Agency. An organization that provides law enforcement, emergency medical, fire, rescue, communications, or related support services.
- (aa) Public Safety Answering Point (PSAP) is the public safety agency that receives incoming 911 calls.
- (bb) PSAP “Nonrecurring costs” means non-repetitive charges incurred by a Primary PSAP to pay for equipment or services which do not occur on a fixed schedule. Examples include computer equipment that has become functionally outdated, software upgrades, or repair costs that are not covered by any maintenance agreement.
- (cc) “PSAP Recurring costs” means repetitive charges incurred by a primary PSAP, including, but not limited to, database management, lease of access lines, lease of equipment, network access fees, and applicable maintenance costs.

(dd) Security Vestibule. A compartment provided with two or more doors where the intended purpose is to prevent continuous and unobstructed passage by allowing the release of only one door at a time.

(ee) Standard Operating Procedures (SOPs). Written organizational directives that establish or prescribe specific operational or administrative methods that are to be followed routinely for the performance of designated operations or actions.

(ff) “Selective routing” or “Tandem routing” means routing a 911 call to the appropriate PSAP based upon the caller’s location.

(gg) Stored Emergency Power Supply System (SEPSS). A system consisting of a UPS, or a motor generator, powered by a stored electrical energy source, together with a transfer switch designed to monitor preferred and alternate load power source and provide desired switching of the load, and all necessary control equipment to make the system functional.

(hh) “Sworn invoice” means an invoice prepared by a CMRS Service Provider’s vendor that describes the goods or services and identifies the costs that the CMRS Service Provider submits for cost recovery pursuant to an approved cost recovery plan, and that is accompanied by an affidavit that substantially complies with a form provided by the Board.

(ii) “911 line/trunk” means a telephone line/trunk which is dedicated to providing a caller with access to the appropriate PSAP by dialing the digits 911.

(jj) “Service Provider” means an entity that provides voice communications service, including resellers of such service.

(kk) TDD/TTY. A device that is used in conjunction with a telephone to communicate with persons who are deaf, who are hard of hearing, or who have speech impairments, by typing and reading text.

(ll) “Telecommunicator” shall mean any person engaged in or employed as a full time or part time 911 communications center call-taker (emergency communications specialist, emergency dispatcher, etc).

(mm) Uninterruptible Power Supply (UPS). A system designed to provide power, without delay or transients, during any period when the primary power source is incapable of performing.

(nn) Voice Communication Channel. A single path for communication by spoken word that is distinct from other parallel paths.

History Note: Authority G.S. 62A-42;

Eff..

09 NCAC 06C.0103 is proposed for adoption as follows:

09 NCAC 06C.0103 ADMINISTRATION

a) Scope.

- 1) Standards established in Section 2 shall cover the installation, performance, operation, and maintenance of PSAPs and the associated emergency communication systems.
- 2) Standards established in Section 2 shall not be used as a design specification manual or an instruction manual.

b) Purpose. The purpose of the Standards established in Section 2 shall be as follows:

- 1) To specify operations, facilities, and communications systems that receive emergency 911 calls from the public.
- 2) To provide requirements for the retransmission of such emergency 911 calls to the appropriate emergency response agencies.
- 3) To provide requirements for dispatching of appropriate emergency response personnel.
- 4) To establish the required levels of performance and quality of installations of emergency services communications systems.

c) Application. The Standards established in Section 2 shall apply to emergency 911 systems that include, but are not limited to, dispatching systems, telephone systems, and public reporting systems that provide the following functions:

- 1) Communication between the public and emergency response agencies.
- 2) Communication within the emergency response agency under emergency and non-emergency conditions.
- 3) Communication among emergency response agencies.

d) Equivalency. Nothing in the Standards established in Section 2 is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by these standards.

- 1) Technical documentation shall be submitted to the local government to demonstrate equivalency.
- 2) The system, method, or device shall be approved for the intended purpose by the local government.

History Note: *Authority G.S .62A-40*

Eff.

09 NCAC 06C.0104 is proposed for adoption as follows:

09 NCAC 06C.0104 FAILURE TO COMPLY WITH RULES

- (a) If the Board determines that a Service Provider does not appear to have complied with N.C. General Statutes Chap. 62A, these rules or the requirements of FCC Report and Order 94-102 (“Report and Order”), a certified, return receipt letter shall be mailed to the company representative known to the Board. The letter shall request justification or an explanation from the Service Provider for the apparent non-compliance. The Service Provider shall have fifteen calendar days to respond to the letter.
- (b) Board staff shall initially assess the Service Provider’s response and report to the Board. The Board shall review the staff’s report. If it appears to the Board that the Service Provider has failed to comply with applicable law, these rules or the FCC Order, the Board shall notify the Service Provider to that effect and to the consequences arising from such failure, and shall provide an opportunity for the Service Provider to appear before the Board.
- (c) If after notice to the Service Provider, and appearance before the Board or Service Provider’s failure to appear, the Board determines that the Service Provider has offered no reasonable solution, the Board may, at its discretion file a complaint with the FCC, the N.C. Utilities Commission or other regulatory body exercising jurisdiction over the Service Provider. A reasonable solution shall be defined as one that will comply with applicable law, these rules or the FCC Order within thirty days or upon such other conditions as the Board may find reasonable.
- (d) If the non-compliant Service Provider is a CMRS Service Provider, all reimbursement payments due shall be suspended until compliance with applicable law, these rules or the FCC Order has been completed.
- (e) If after notice and hearing, the Board determines that the affected PSAP is at fault, rules and procedures regarding PSAP compliance shall be followed.
- (f) If through the review process the Board determines that a PSAP or CMRS Service Provider is not adhering to an approved plan or is not using funds in the manner prescribed in these rules or G.S. 62A, the Board may, after notice and hearing, suspend distributions or reimbursements until satisfactory evidence of compliance is provided to the Board. A CMRS Service Provider is not eligible to receive or expend 911 Fund monies until such time as the Board determines that the Service Provider is in compliance with an approved plan and 911 Fund usage limitations.

History Note: *Authority G.S .62A-42, 62A-48;*

Eff.

09 NCAC 06C.0105 is proposed for adoption as follows:

9 NCAC 6C.0105 Review 911 Fund Expenditures

- a) PSAPs shall maintain detailed books and records related to 911 Funds received and use of such funds in accordance with the Local Government Budget and Fiscal Control Act and other applicable law and generally accepted accounting principles. PSAPs shall maintain these books and records for a minimum of five (5) years. All books and records shall be available for review by the Board, its representatives, and/or audit by other governmental entities with such authority upon reasonable notice and during normal business hours. PSAPs shall cooperate fully with any such review or audit. If any review or audit indicates overpayment to a PSAP, the Board shall adjust future or final payments otherwise due. If no payments are due and owed to a PSAP, or if the overpayment exceeds the amount otherwise due during that fiscal year, the PSAP shall immediately refund all amounts that may be due to the 911 Fund.
- b) PSAPs shall provide copies of any audit reports to the Board if such audit reports include receipts or expenditures for 911 systems.
- c) CMRS Service Providers shall maintain detailed books and records related to service charges remitted, and records necessary to support requested reimbursements in accordance with applicable law and generally accepted accounting principles. CMRS Service Providers shall maintain these books and records for a minimum of 5 years. All books and records shall be available for review or audit by the Board, its representatives, and other governmental entities with such authority upon reasonable notice and during normal business hours. CMRS Service Providers shall cooperate fully with any such review or audit. If any audit or review indicates overpayment to a CMRS Service Provider, or subcontractor, the Board shall adjust future or final payments otherwise due. If no payments are due and owed to a CMRS Service Provider, or if the overpayment exceeds the amount otherwise due during that fiscal year, the CMRS Service Provider shall immediately refund all amounts that may be due to the 911 Fund.

Authority: *G.S. 62A-46(d)-42, 62A-48, 62A-50*
 Eff.

09 NCAC 06C.0106 is proposed for adoption as follows:

9 NCAC 6C.0106 Waiver of Rules

Upon consideration of a written request and after publishing notice of any wavier request, the Board may waive any rule in this Chapter. The factors which the Board shall use in determining whether to grant a waiver are:

- a) Whether the requested waiver is consistent with Article 3 of Chapter 62A or other North Carolina Statutes;
- b) Whether any applicable Rule should be modified;
- c) Costs to the 911 Fund if the wavier is granted;
- d) Costs to the party requesting a waiver if the waiver is not granted;
- e) Whether granting the waiver is consistent with the statewide 911 plan;
- f) The benefit to the public;
- g) Whether granting the waiver is consistent with the requirements and intent of the FCC Order;
- h) Prior, concurrent, or similar waiver requests; and
- i) Whether the waiver is supported or opposed by PSAPs or Service Providers.

Authority: *G.S. 62A-22.1, 150B-19(6)*
 Eff.

09 NCAC 06C.0107 is proposed for adoption as follows:

9 NCAC 6C.0107 Hearings

a) A PSAP or Service Provider aggrieved in connection with any action taken by the Board under this Part may request a hearing before the Board.

b) Requests for hearings shall be made in writing to the Executive Director and Chair of the Board and shall be filed within 30 calendar days after the aggrieved party knows or should have known of the facts giving rise to the request. A request for hearing is considered filed when physically received by the Executive Director or Chair. Requests filed after the 30 calendar day period shall not be considered. To expedite handling of requests, the envelope should be labeled "911 Funds Request for Hearing". The written request shall include as a minimum the following:

- 1) the name and address of the party;
- 2) the action of the Board;
- 3) a statement of reasons for the hearing; and
- 4) supporting exhibits, evidence, or documents necessary to substantiate the party's complaint.
- 5) Requests for hearing shall be sent to:

Executive Director, 911 Board

c/o NC Office of Information Technology Services

P.O. Box 17209

Raleigh, NC 27609

c) Any additional information requested by the Board shall be submitted within the time periods established in order to expedite consideration of the request. Failure of the requesting party to comply expeditiously with a request for information by the Board may result in resolution of the request without consideration of that information.

d) A decision on a request shall be made by the Board as expeditiously as possible after receiving all relevant requested information.

Authority: *G.S. 62A-22.1*

Eff.

09 NCAC 06C.0108 is proposed for adoption as follows:

9 NCAC 6C.0108 Declaratory Rulings

- a) Any request for a determination regarding the application of a relevant rule, statute or rule established by the 911 Board to a specific factual situation must be directed to the Board Chair or Executive Director at the address in Rule .0102 of this Section. The request for a ruling will follow Rules .0108 through .0112 of this Section. A declaratory ruling proceeding may include written submissions, an oral hearing, or other procedure determined by the Board as may be appropriate in the circumstances of the particular request.
- b) Declaratory rulings pursuant to G.S. 150B-4 shall be issued by the Board only on the validity or applicability of a relevant statute, rule or order of the Board to stipulated facts. A declaratory ruling shall not be issued on a matter requiring an evidentiary proceeding.
- c) As used in Rules .0108 through .0112, "standard" shall refer to and include such standards, policies and procedures adopted by the Board pursuant to authority found in Article 3 of Chapter 62A of the N.C. General Statutes.
- d) A person aggrieved must possess such an interest in the question to be ruled on that the petitioner's need to have such a ruling in order to comply with statutory requirements, these rules, or standards shall be apparent from the petition and shall be explained therein.

Authority: *G.S. 62A-42, G.S. 150B-4*
 Eff.

09 NCAC 06C.0201 is proposed for adoption as follows:

SECTION .0200 – PUBLIC SAFETY ANSWERING POINTS (PSAPS)

09 NCAC 06C.0201 PSAP ELIGIBILITY

Before receiving distributions from the 911 Fund, a primary PSAP must meet the following criteria and certify to the same:

- (a) The PSAP is separately identified in its governing agency's budget and in any audit conducted under the Local Government Budget and Fiscal Control Act.
- (b) The PSAP meets the definition of primary PSAP under G.S. 62A-40(16). Callers must be able to reach the PSAP by placing a call using only the digits 911. The PSAP must operate an enhanced 911 system.
- (c) The PSAP equipment vendor or a Service Provider operating in the PSAP's jurisdiction must also certify that the PSAP is capable of receiving and dispatching Phase I wireless enhanced 911 service. If neither an equipment vendor nor a Service Provider is available, a city or county may use certification from a technology specialist satisfactory to the Board to meet this requirement.
- (d) Provide copies of all documentation evidencing agreements with other PSAPs governing the manner in which 911 Funds are used in overlapping geographic service areas, as identified by zip code or other identifier such as telephone exchange, township.

History Note: Authority G.S. 62A-46;
Eff.

09 NCAC 06C.0202 is proposed for adoption as follows:

09 NCAC 06C.0202 PSAP ELIGIBLE EXPENSES

(a) Expenses that are solely incurred to enable a PSAP to receive and utilize the voice and data elements necessary for wireline 911 and wireless Phase I or Phase II compliance may be fully paid from a PSAP's 911 Fund distributions. Eligible lease, purchase, and maintenance expenses for emergency telephone equipment include 911 telephone equipment/system costs. Eligible costs for necessary computer hardware include CAD workstation computers, servers, and ancillary equipment; GIS workstation computers, servers, and ancillary equipment; and voice logging recorder computers. Eligible costs for necessary computer software include software used in conjunction with the computer hardware to provide callers with access to the PSAP by dialing 911. Database provisioning includes creation of the ALI database and the GIS base map database. GIS base map eligible expenses include mapped street centerlines, together with costs for creation and maintenance of the base map. Nonrecurring costs of establishing a wireless Enhanced 911 system include emergency generator or uninterruptible power supplies, and Telecommunicator furniture necessary for 911 system operation. Rates associated with local telephone companies' charges related to the operation of the 911 system include monthly charges for delivery of 911 calls, ANI/ALI, and monthly charges for telephone interpreter services.

(b) The 911 Board may create and periodically revise a list of permitted expenditures consistent with G.S. 62A-46.

(c) Ineligible costs include:

- (1) basic termination charges incurred due to the disconnection of telephone equipment to be replaced with 911 equipment;
- (2) capital outlay expenditures, such as, buildings, remodeling, communication towers and equipment not directly related to providing the user of a voice communications service connection access to a PSAP by dialing the digits 911;
- (3) mobile or base station radios, pagers, or other devices used for response to, rather than receipt of, 911 calls, including but not limited to mobile data terminals (MDT) and automatic vehicle location (AVL) systems used in response vehicles;
- (4) seven-digit transfer-to-lines;
- (5) private line circuit costs;
- (6) directory listings;
- (7) maintenance costs for radio equipment and/or other miscellaneous equipment that is not integral to providing the user of a voice communications service connection access to a PSAP by dialing the digits 911.

History Note: Authority G.S. 62A-46;
Eff.

09 NCAC 06C.0203 is proposed for adoption as follows:

09 NCAC 06C.0203 TERMINATION AND SUSPENSION OF 911 FUND DISTRIBUTIONS

- (a) A primary PSAP operated by or for a local government that is not identified or included in its governing agency's budget or in any audit conducted pursuant to the Local Government Budget and Fiscal Control Act shall not be eligible for distributions from the 911 Fund.
- (b) 911 Fund distributions that lapse due to termination of a primary PSAP shall be re-allocated by the Board.
- (c) 911 Fund distributions that are suspended shall be maintained by the Board until such time as the PSAP entitled to such distributions complies with the requirements of applicable statutes, these rules, and the Board's standards, policies and procedures.
- (d) Primary PSAPs that cease independent operation due to consolidation with other such PSAPs, or that are consolidated with newly formed PSAPs, shall give notice to the Board. Distributions for such PSAPs shall be allocated to the consolidated PSAP upon the Board's approval of such distributions.

*History Note: Authority G.S. 62A-46 and 62A-48
Eff.*

09 NCAC 06C.0204 is proposed for adoption as follows:

09 NCAC 06C.0204 PSAP REPORTING

- (a) Any PSAP receiving or requesting 911 Fund distributions must submit a copy of its governing agency's approved budget to the Board detailing the revenues and expenditures associated with the operation of its 911 system by December 1 of each year or as requested by the Board.
- (b) If a PSAP fails to report its revenues and expenditures by January 30th of each year or as requested by the Board, the Board will give notice to the PSAP's governing agency by certified mail. The notice shall also inform the governing agency that failure to provide the requested information within fifteen days will be cause for suspension of monthly PSAP fund distributions until the information is received. The notice will further inform the governing agency that continuing failure to provide the information will result in a report to the North Carolina Local Government Commission of the PSAP's failure.
- (c) If after sixty (60) days from January 30th of each year or the date requested by the Board under (a) above the financial information is still not received, the Board will inform the North Carolina Local Government Commission in writing of the PSAP's failure to respond to the requested information. A copy of the notice to the North Carolina Local Government Commission will also be sent to the PSAP manager and the governing agency.
- (d) Each PSAP shall submit an annual report to the Board on or before December 1 of each calendar year, or as requested by the Board, detailing all revenues and expenditures associated with 911 systems during the immediately preceding fiscal year. The report shall be on a form provided by the Board and shall include information including installation schedules, installation expenses, anticipated 911 system changes, other system related costs and other information deemed necessary by the Board or by the PSAP.
- (e) Each county or municipality shall submit a list of PSAPs operating within its jurisdiction each year; or, if none are known, a statement to that effect.

*History Note: Authority G.S. 62A-4 and 62A-46;
Eff.*

09 NCAC 06C.0205 is proposed for adoption as follows:

09 NCAC 06C.0205 **[Reserved; former text was approved by the Board and has been moved to .0203(c)]**

(a)

History Note: *Authority G.S. 62A-46;*
 Eff.

09 NCAC 06C.0206 is proposed for adoption as follows:

09 NCAC 06C.0206 BACK-UP PSAPs

(a) An alternate method for receiving and processing 911 calls is necessary when a Primary PSAP becomes inoperable due to a catastrophic failure.

(b) The Board will disburse 911 Funds for back-up PSAPs to the extent eligible expenses are incurred for such PSAPs, and provided:

- (1) A written determination for the need of a back-up PSAP is provided to the 911 Board;
- (2) A plan supporting the written determination is submitted to the 911 Board, including detailed start-up costs and projected recurring expenses, and the Board approves the plan submitted;
- (3) The plan includes any local agreements which may exist, or which are anticipated, which provide for the back-up PSAP;
- (4) Regular annual reports regarding the back-up PSAP are made to the 911 Board and
- (5) Any back-up PSAP plan revisions have been provided to the 911 Board staff.

Note: Alternate methods for receiving and processing 911 calls may include interlocal agreements among one or more PSAPs for sharing physical resources, entail use of portable equipment which could be temporarily implemented wherever appropriate network connectivity is accessible, construction and maintenance of a back-up PSAP facility that would only be utilized when the Primary PSAP is inoperable, or other alternative solution.

History Note: *Authority G.S. 62A-42*

Eff.

09 NCAC 06C.0207 is proposed for adoption as follows:

09 NCAC 06C.0207 PSAP OPERATIONS AND MANAGEMENT

(a) Personnel

- (1) All systems shall be under the control of a responsible employee or employees of the PSAP served by the systems.
- (2) The PSAP Emergency services dispatching entities shall have trained and qualified technical assistance available for trouble analysis and repair by in-house personnel or by authorized outside contract maintenance services.
- (3) Where maintenance is provided by an organization or person other than an employee of the PSAP complete written records of all installation, maintenance, test, and extension of the system shall be forwarded to the responsible employee of the PSAP.
- (4) Maintenance performed by an organization or person other than an employee of the PSAP shall be by written contract that contains a guarantee of performance.
- (5) The PSAP shall have a written local management approved access control plan.
- (6) Maintenance personnel other than an employee of the PSAP shall be approved by the PSAP pursuant to the approved access control plan as offering no threat to the security of the facility or the employees and equipment within it.
- (7) All equipment shall be accessible to the PSAP for the purpose of maintenance.
- (8) At least one supervisor or lead with Telecommunicator certification shall be available to respond immediately at all times 24 hours per day, 7 days per week, 52 weeks per year.

(b) Telecommunicator Qualifications and Training.

- (1) Telecommunicators and Supervisors shall be certified in the knowledge, skills, and abilities related to their job function.
- (2) Telecommunicators and Supervisors shall have knowledge of the function of all communications equipment and systems in the PSAP.
- (3) Telecommunicators and Supervisors shall know the rules and regulations that relate to equipment use, including those of the Federal Communications Commission that pertain to emergency service radio use.
- (4) Telecommunicators and Supervisors shall be capable of operating and testing the communications equipment they are assigned to operate.
- (5) Telecommunicators and Supervisors shall receive training to maintain the skill level appropriate to their positions.
- (6) Telecommunicators and Supervisors shall be trained in TDD/TTY procedures, with training provided at a minimum of once per year as part of the Annual Training.

(c) Staffing.

- (1) There shall be sufficient Telecommunicators available to effect the prompt receipt and processing of emergency 911 calls needed to meet the requirements as specified herein.

(2) After January 1, 2013 a minimum of two (2) Telecommunicators must be available at all times 24 hours per day, 7 days per week, 52 weeks per year to immediately receive and process emergency 911 calls.

(3) Where communications systems, computer systems, staff, or facilities are used for both emergency and non-emergency functions, the non-emergency use shall not degrade or delay emergency use of those resources.

(A) A PSAP shall handle emergency 911 calls for service and dispatching in preference to nonemergency activities.

(B) The PSAP and emergency response agencies shall develop written standard operating procedures that identify when a dedicated Telecommunicator is required to be assigned to an emergency incident.

(4) Telecommunicators shall not be assigned any duties prohibiting them from immediately receiving and processing emergency 911 calls for service in accordance with the time frame specified in the Operating Procedures.

(d) Operating Procedures.

(1) Ninety (90) percent of emergency 911 calls received on emergency lines shall be answered within ten (10) seconds, and ninety-five (95) percent of emergency 911 calls received on emergency lines shall be answered within twenty (20) seconds. Compliance with (d).1 shall be evaluated monthly using data from the previous month.

(2) The PSAP is required to provide pre-arrival medical protocols as set forth by the North Carolina Office of Emergency Services, Health and Human Services in the initial call reception or by the responsible EMS provider on behalf of the primary answering point.

(3) For law enforcement purposes, the PSAP shall determine time frames allowed for completion of dispatch.

(4) When emergency 911 calls need to be transferred to another PSAP, the Telecommunicator will transfer the call without delay. The Telecommunicator will advise the caller: "Please do not hang up; I am connecting you with (name of the agency)." The Telecommunicator should stay on the line until the connection is complete and verified.

(5) The PSAP shall transfer calls for services as follows:

(A) The call for service shall be transferred directly to the Telecommunicator.

(B) The transferring agency shall remain on the line until it is certain that the transfer is effected.

(C) The transfer procedure shall be used on emergency 911 calls.

(6) All calls for service, including requests for additional resources, shall be transmitted to the identified Emergency Response Units over the required dispatch systems.

(7) An indication of the status of all Emergency Response Units shall be available to Telecommunicators at all times.

(8) Records of the dispatch of Emergency Response Units to call for services shall be maintained and shall identify the following:

- (A) Unit designation for each Emergency Response Unit (ERU) dispatched
 - (B) Time of dispatch acknowledgment by each ERU responding
 - (C) Enroute time of each ERU
 - (D) Time of arrival of each ERU at the scene
 - (E) Time of patient contact, if applicable
 - (F) Time each ERU is returned to service
- (9) All emergency response agencies shall use common terminology and integrated incident communications.
- (10) When the device monitoring the system for integrity indicates that trouble has occurred, the Telecommunicator shall act as follows:
- (A) Take appropriate steps to repair the fault.
 - (B) Isolate the fault and notify the official responsible for maintenance if repair is not possible.
- (11) Standard operating procedures shall include but not be limited to the following:
- (A) All standardized procedures that the Telecommunicator is expected to perform without direct supervision.
 - (B) Implementation plan that meets the requirements of a formal plan to maintain and operate the backup PSAP.
 - (C) Procedures related to the CEMP.
 - (D) Emergency response personnel emergencies.
 - (E) Activation of an emergency distress function.
 - (F) Assignment of incident radio communications plan.
 - (G) Time limit for acknowledgment by units that have been dispatched.
- (12) Every PSAP shall have a comprehensive regional emergency communications plan as part of the CEMP.
- (A) The emergency communications plan shall provide for real-time communications between organizations responding to the same emergency incident.
 - (B) This emergency communications plan shall be exercised at least once a year.
 - (C) In the event that an ERU has not acknowledged its dispatch/response within the time limits established by the PSAP, the Telecommunicator shall perform one or more of the following:
 - (i) Attempt to contact the ERU(s) by radio
 - (ii) Re-dispatch the ERU (s) using the primary dispatch system
 - (iii) Dispatch the ERU(s) using the secondary dispatch system
 - (iv) Initiate two-way communication with the ERU's supervisor
- (13) The PSAP shall develop and implement standard operating procedures for responding to and processing TDD /TTY calls.

(14) Calls received as an open-line or "silent call" shall be queried as a TDD/TTY call if no acknowledgment is received by voice.

(e) Time.

(1) The clock for the main recordkeeping device in the PSAP shall be synchronized to Coordinated Universal Time.

(2) All timekeeping devices in the PSAP shall be maintained within ± 5 seconds of the main recordkeeping device clock.

(f) Recording.

(1) PSAPs shall have a logging voice recorder with one channel for each of the following:

(A) Each transmitted or received emergency radio channel or talk group.

(B) Each voice dispatch call for service circuit.

(C) Each Telecommunicator telephone that receives emergency 911 calls for service.

(2) Each Telecommunicator position shall have the ability to instantly recall telephone and radio recordings from that position.

(3) Emergency 911 calls that are transmitted over the required dispatch circuit(s) shall be automatically recorded, including the dates and times of transmission.

(g) Quality Assurance/Improvement.

(1) PSAPs shall establish a quality assurance/improvement program to ensure the consistency and effectiveness of emergency 911 call processing.

(2) Statistical analysis of emergency 911 call and dispatch performance measurements shall be completed monthly and compiled over a one (1) year period.

History Note: Authority G.S. 62A-42(a)(4)

Eff. July 1, 2012

09 NCAC 06C.0208 is proposed for adoption as follows:

09 NCAC 06C.0208 PUBLIC SAFETY ANSWERING POINT (PSAP) FACILITIES

(a) General.

- (1) Any Primary PSAP, Backup PSAP, and Secondary PSAP that receives funding from the NC 911 Board is required to comply with all NC 911 Board Standards.
- (2) All equipment, software, and services used in the daily operation of the PSAP shall be kept in working order at all times.
- (3) The PSAP shall be provided with an alternate means of communication that is compatible with the alternate means of communication provided at the Emergency Response Facilities (ERFs).
 - (A) The alternate means shall be readily available to the Telecommunicator in the event of failure of the primary communications system.
 - (B) Telecommunicators shall be trained and capable of using the alternate means in the event of failure of the primary communications system.
- (4) Each PSAP shall maintain a Backup PSAP or have an arrangement for backup provided by another PSAP. Agencies may also pool resources and create regional backup centers.
 - (A) The Backup PSAP shall be capable, when staffed, of performing the emergency functions performed at the primary PSAP.
 - (B) The Backup PSAP shall be separated geographically from the primary PSAP at a distance that ensures the survivability of the alternate center.
 - (C) Each PSAP shall develop a formal written plan to maintain and operate the Backup PSAP or if backup is provided by another PSAP a formal written plan that defines the duties and responsibilities of the alternate PSAP.
 - (i) The plan shall include the ability to reroute incoming emergency 911 call traffic to the backup center and to process and dispatch emergency 911 calls at that center.
 - (ii) The plan shall be included in the Comprehensive Emergency Management Plan (CEMP).
- (5) The PSAP shall be capable of continuous operation long enough to enable the transfer of operations to the Backup PSAP in the event of an emergency in the PSAP or in the building that houses the PSAP.
- (6) Systems that are essential to the operation of the PSAP shall be designed to accommodate peak workloads.
- (7) PSAPs shall be designed to accommodate the staffing level necessary to operate the center as required by the Standards set herein.
- (8) The design of the PSAP shall be based on the number of personnel needed to handle peak workloads as required by the Standards set herein.
- (9) Each PSAP shall have a written Comprehensive Emergency Management Plan (CEMP).

- (10) Emergency Fire Plan. There shall be a local management approved, written, dated, and annually tested emergency fire plan that is part of the CEMP.
 - (11) Damage Control Plan. There shall be a local management approved, written, dated, and annually tested damage control plan that is part of the CEMP.
 - (12) Backup Plan. There shall be a local management approved, written, dated, and annually tested backup PSAP plan that is part of the CEMP and approved by the NC 911 Board.
 - (13) Penetrations into the PSAP shall be limited to those necessary for the operation of the center.
- (b) Power.
- (1) At least two independent and reliable power sources shall be provided, one primary and one secondary; each of which shall be of adequate capacity for operation of the PSAP.
 - (2) Power sources shall be monitored for integrity, with annunciation provided in the operations room.
 - (3) Primary Power Source. One of the following shall supply primary power:
 - (A) A feed from a commercial utility distribution system
 - (B) An engine-driven generator installation or equivalent designed for continuous operation, where a person specifically trained in its operation is on duty at all times
 - (C) An engine-driven generator installation or equivalent arranged for cogeneration with commercial light and power, where a person specifically trained in its operation is on duty or available at all times
 - (4) Secondary Power Source.
 - (A) The secondary power source shall consist of one or more standby engine-driven generators.
 - (B) Upon failure of primary power, transfer to the standby source shall be automatic.
 - (5) A Stored Emergency Power Supply System (SEPSS) shall be provided for telecommunications equipment, two-way radio systems, computer systems, and other electronic equipment determined to be essential to the operation of the PSAP.
 - (A) The SEPSS shall be of a class that is able to maintain essential operations long enough to implement the formal Comprehensive Emergency Management Plan.
 - (B) The instrumentation required to monitor power shall be remotely annunciated in the operations room.
 - (6) Power circuits shall include their associated motors, generators, rectifiers, transformers, fuses, and controlling devices.
 - (7) The power circuit disconnecting means shall be installed so that it is accessible only to authorized personnel.
 - (8) Surge Arresters otherwise known as Transient Voltage Surge Suppression (TVSS) shall be provided for protection of telecommunications equipment, two-way radio systems, computers, and other electronic equipment determined to be essential to the operation of the PSAP.

(9) Isolated Grounding System. Telecommunications equipment, two-way radio systems, computers, and other electronic equipment determined to be essential to the operation of the PSAP shall be connected to an isolated grounding system.

(10) Engine-driven generators shall be sized to supply power for the operation of all functions of the PSAP.

(A) When installed indoors, engine-driven generators shall be located in a ventilated and secured area that is separated from the PSAP by fire barriers having a fire resistance rating of 2 hours or better.

(B) When installed outdoors, engine-driven generators shall be located in a secure enclosure.

(C) The area that houses an engine-driven generator shall not be used for storage other than spare parts or equipment related to the generator system.

(D) Fuel to operate the engine-driven generator for a minimum of 24 hours at full load shall be available on site.

(E) Equipment essential to the operation of the generator shall be supplied with standby power from the generator.

(F) Generators shall not use the public water supply for engine cooling.

(11) Uninterruptible Power Supply (UPS) and Battery Systems. A UPS and battery system shall be installed in accordance with local, State, and the Federal safety regulations and be sufficient to prevent power surges from damaging equipment in the PSAP as well as provide power for all essential 911 Emergency Center operations until the backup power source can be fully activated.

(A) Each UPS shall be provided with a bypass switch that maintains the power connection during switch over and that is capable of isolating all UPS components while allowing power to flow from the source to the load.

(B) The following UPS conditions shall be annunciated in the operations room:

- (i) Source power failure, overvoltage, and under-voltage
- (ii) High and low battery voltage
- (iii) UPS in bypass mode

(C) The UPS and Battery Systems shall be capable of providing power for the PSAP when the Primary Power Source is experiencing not functioning but the duration of the outage is not sufficient to activate the Secondary Power Source.

*History Note: Authority G.S. 62A-46;
Eff. July 1, 2012*

09 NCAC 06C.0209 is proposed for adoption as follows:

09 NCAC 06C.0209 TELEPHONES

(a) Telephone Receiving Equipment. The provisions of this Section shall apply to facilities and equipment that receive emergency 911 calls transmitted by means of any voice communications service.

(b) Equipment and Operations.

(1) Telephone lines and telephone devices shall be provided as follows:

(A) A minimum of two 911 emergency telephone lines and 911 emergency telephone devices shall be assigned exclusively for receipt of emergency 911 calls. These lines shall appear on at least two telephone devices within the PSAP.

(B) Additional 911 emergency telephone lines and 911 emergency telephone devices shall be provided as required for the volume of calls handled.

(C) Additional telephone lines shall be provided for the normal business (nonemergency) use as needed.

(D) At least one outgoing-only line and telephone device shall be provided.

(2) 911 emergency lines and 911 emergency telephone devices will be answered prior to non-emergency telephone lines and non-emergency telephone devices.

(3) When all 911 emergency telephone lines and 911 emergency telephone devices are in use, emergency 911 calls shall hunt to other predetermined telephone lines and telephone devices that are approved by the PSAP.

(4) Calls to the business number shall not hunt to the designated emergency lines.

(5) When a PSAP receives an emergency 911 call for a location or an agency that is not in its jurisdiction, the PSAP shall transfer the call directly to the responsible PSAP. When possible the call data will be transferred with the emergency 911 call. If the call transfer method is not possible, call information shall be relayed by the Telecommunicator.

(A) The Telecommunicator shall remain on the line until it is certain that the transfer has been made and the originating Telecommunicator verifies the transfer has been successfully completed by hearing both parties speaking to each other.

(6) All 911 emergency 911 calls shall be recorded.

(c) Circuits/Trunks.

(1) At least two 911 call delivery paths with diverse routes arranged so that no single incident interrupts both routes shall be provided to each PSAP.

(2) Where multiple PSAPs that serve a jurisdiction are not located in a common facility, at least two circuits with diverse routes, arranged so that no singular incident interrupts both routes, shall be provided between PSAPs.

(3) The PSAP shall have sufficient 911 emergency trunk capacity to receive 99.9% of all calls during the busiest hour of the average week of the busiest month of the year.

(d) 911 Emergency Number Alternative Routing.

- (1) PSAPs shall maintain a written plan as part of the Comprehensive Emergency Management Plan (CEMP) for rerouting incoming calls on 911 emergency lines when the center is unable to accept such calls.
- (2) The PSAP shall practice this plan at least once annually.
- (3) Where overflow calls to 911 emergency telephone lines and emergency telephone devices are routed to alternative telephone lines and alternative telephone devices within the PSAP, the alternative telephone lines and alternative telephone devices shall be monitored for integrity and recorded as required by these Rules, and by the Board's standards, policies and procedures.

History Note: Authority G.S. 62A-42
Eff. July 1, 2012

09 NCAC 06C.0210 is proposed for adoption as follows:

09 NCAC 06C.0210 DISPATCHING SYSTEMS

(a) Fundamental Requirements of Emergency 911 call Dispatching Systems.

- (1) An emergency 911 call dispatching system shall be designed, installed, operated, and maintained to provide for the receipt and retransmission of calls.
- (2) Telecommunicators that receive emergency 911 calls shall have redundant means within the PSAP premises to dispatch calls.
- (3) The failure of any component of one dispatching means shall not affect the operation of the alternative dispatching means and vice versa.

(b) Primary dispatch paths and devices upon which transmission and receipt of emergency 911 calls depend shall be monitored constantly for integrity to provide prompt warning of trouble that impacts operation.

- (1) Trouble signals shall actuate an audible device and a visual signal located at a constantly attended location.
- (2) The audible alert trouble signals from the fault and failure monitoring mechanism shall be distinct from the audible alert emergency alarm signals.
- (3) The audible trouble signal shall be permitted to be common to several monitored circuits and devices.
- (4) A switch for silencing the audible trouble signal shall be permitted if the visual signal continues to operate until the silencing switch is restored to the designated normal position.
- (5) Where dispatch systems use computer diagnostic software, monitoring of the primary dispatch circuit components shall be routed to a dedicated terminal(s) that meets the following requirements:

(A) It shall be located within the communications center.

(B) It shall not be used for routine dispatch activities.

(c) The radio communications system shall be monitored in the following ways:

- (1) Monitoring for integrity shall detect faults and failures in the radio communications system.
- (2) Detected faults and failures in the radio communications system shall cause audible or visual indications to be provided within the PSAP.

History Note: Authority G.S. 62A-42

Eff. July 1, 2012

09 NCAC 06C.0211 is proposed for adoption as follows:

09 NCAC 06C.0211 COMPUTER AIDED DISPATCHING (CAD) SYSTEMS

(a) General.

(1) PSAPs shall use Computer-aided dispatching (CAD) systems. These systems shall conform to the Standards in this Section.

(2) The CAD system shall contain all hardware and software components necessary for interface with the 911 system.

(b) Secondary Method.

(1) A secondary method shall be provided and shall be available for use in the event of a failure of the CAD system.

(c) Security.

(1) CAD systems shall utilize different levels of security to restrict unauthorized access to sensitive and critical information, programs, and operating system functions.

(2) The PSAP shall have the ability to control user and supervisor access to the various security levels.

(3) Physical access to the CAD system hardware shall be limited to authorized personnel as determined by the PSAP.

(4) Operation of the CAD system software shall be limited to authorized personnel by log-on/password control, workstation limitations, and/or other means as required by the PSAP.

(5) The PSAP shall provide network isolation necessary to preserve bandwidth for the efficient operation of the CAD system and processing of emergency 911 calls.

(A) The CAD system shall provide measures to prevent denial-of-service attacks and any other undesired access to the CAD portion of the network.

(B) The CAD system shall employ antivirus software where necessary to protect the system from infection.

(d) Emergency 911 call Data Exchange.

(1) The CAD system should have the capability to allow emergency 911 call data exchange between the CAD system and other CAD systems.

(2) The CAD system should have the capability to allow data exchange between the CAD system and other systems.

(e) CAD Capabilities.

(1) The installation of a CAD system in emergency service dispatching shall not negate the requirements for a secondary dispatch circuit.

(2) The PSAP shall provide software that is for or part of the CAD system that will provide data entry; resource recommendations, notification, and tracking; store records relating to all emergency 911 calls and all other calls for service and status changes; and track those resources before, during, and after emergency calls, preserving records of those emergency 911 calls and status changes for later analysis.

(A) The PSAP shall put in place safeguards to preserve the operation, sustainability, and maintainability of all elements of the CAD system in the event of the demise or default of the CAD supplier.

(B) The system applications shall function under the overall control of a standard operating system that includes support functions and features as required by the PSAP.

(f) Computer Aided Dispatch (CAD) Performance.

(1) The CAD system shall recommend units for assignment to calls.

(A) The CAD system shall ensure that the optimum response units are selected.

(B) The CAD system shall allow the Telecommunicator to override the CAD recommendation for unit assignment.

(C) The CAD system shall have the ability to prioritize all system processes so that emergency operations take precedence.

(2) The CAD system shall detect errors and/or faults and failures.

(A) The CAD system shall automatically perform all required reconfiguration as a result of errors, faults or failures.

(B) The CAD system shall queue a notification message to the supervisor and any designated Telecommunicator positions.

(3) Under all conditions, the CAD system response time shall not exceed 2 seconds, measured from the time a Telecommunicator completes a keyboard entry to the time of full display of the system response at any position where a response is required.

(4) The CAD system shall be available and fully functional 99.95 percent of the time, excluding planned maintenance.

(5) The CAD system shall include automatic power-fail recovery capability.

(g) Backup.

(1) The CAD system shall include a data backup system, utilizing either removable media or independent disk storage arrays dedicated to the backup task.

(h) Redundancy.

(1) The failure of any single component shall not disable the entire system.

(A) The CAD system shall provide automatic switchover in case of failure of the required system component(s).

(B) Manual intervention by Telecommunicators or others shall not be required.

(C) Notwithstanding automatic switchover, the CAD system shall provide the capability to manually initiate switchover.

(D) CAD Systems that utilize server and workstation configuration shall accomplish automatic switchover by having a duplicate server available with access to all the data necessary and required to restart at the point where the primary server stopped.

(E) CAD Systems that utilize distributed processing, with workstations in the operations room also providing the call processing functions, shall be considered to meet the requirements of automatic switchover, as long as all such workstations are continually sharing data and all data necessary to pick up at the point where the failed workstation stopped are available to all other designated dispatch workstations.

(2) Monitoring for Integrity.

(A) The system shall continuously monitor the CAD interfaces for equipment failures, device exceptions, and time-outs.

(B) The system shall, upon detection of faults or failures, send an appropriate message consisting of visual and audible indications.

(3) The system shall provide a log of system messages and transactions.

(4) A spare display screen, pointing device, and keyboard shall be available in the PSAP for immediate change-out.

History Note: Authority G.S. 62A-42

Eff. July 1, 2012

09 NCAC 06C.0212 is proposed for adoption as follows:

09 NCAC 06C.0212 TESTING

(a) General.

- (1) Tests and inspections of all systems shall be made at the regular intervals.
- (2) All equipment shall be restored to operating condition after each test or emergency 911 call for which the equipment functioned.
- (3) Where tests indicate that trouble has occurred anywhere on the system, one of the following shall be required:
 - (A) The Telecommunicator shall take appropriate steps within their scope of training to repair the fault.
 - (B) If repair is not possible, action shall be taken to isolate the fault and to notify the person(s) responsible for repair/maintenance.
- (4) Procedures that are required by other parties and that exceed the requirements of these standards shall be permitted.
- (5) The requirements of this Section shall apply to both new and existing systems.

(b) Acceptance Testing.

- (1) New equipment shall be provided with operation manuals that cover all operations and testing procedures.
- (2) All functions of new equipment shall be tested in accordance with the manufacturers' specifications and accepted PSAP practices before being placed in service.

(c) Power.

- (1) Emergency and standby power systems shall be tested in accordance with the manufacturer's specifications and accepted business practices.

History Note: Authority G.S. 62A-42

Eff. July 1, 2012

09 NCAC 06C.0213 is proposed for adoption as follows:

09 NCAC 06C.0213 RECORDS

a) General.

- 1) Complete records to ensure operational capability of all system functions shall be maintained for a minimum of five (5) years.
- 2) Compliance with this Standard shall begin with the purchase or lease of equipment and services after June 30 2011.

b) Acceptance Test Records and As-Built Drawings. After completion of acceptance tests, the following shall be provided:

- 1) A set of reproducible, as-built installation drawings
- 2) Operation and maintenance manuals
- 3) Written sequence of operation
- 4) Results of all operational tests and values at the time of installation

c) Electronic Records

- 1) For software-based systems, access to site-specific software shall be provided to the PSAP.
- 2) The PSAP shall be responsible for maintaining the records for the life of the system.
- 3) Paper or electronic media shall be permitted.

d) Training Records.

- 1) Training records shall be maintained for each employee as required by the PSAP.

e) Operational Records.

- 1) Call and dispatch performance statistics shall be compiled and maintained.
- 2) Statistical analysis for call and dispatch performance measurement shall be done monthly and compiled over a one (1) year period.
 - i) A management information system (MIS) program shall track incoming emergency 911 calls and dispatched emergency 911 calls and provide real-time information and strategic management reports.
- 3) Records of the following, including the corresponding dates and times, shall be kept:
 - i) Test, emergency 911 call, and dispatch signals.
 - ii) Circuit interruptions and observations or reports of equipment failures.
 - iii) Abnormal or defective circuit conditions indicated by test or inspection.

f) Maintenance Records.

- 1) Records of maintenance, both routine and emergency, shall be kept for all emergency 911 call receiving equipment and emergency 911 call dispatching equipment.
- 2) All maintenance records shall include the date, time, nature of maintenance, and repairer's name and affiliation.

History Note: *Authority G.S. 62A-42*

Eff. July 1, 2012

09 NCAC 06C.0301 is proposed for adoption as follows:

SECTION .0300 – COMMERCIAL MOBILE RADIO SERVICE (CMRS) PROVIDERS

9 NCAC 6C.0301 Registration of CMRS Service Providers.

- a) CMRS Service Providers, or any reseller of any commercial mobile radio service, which receive authority to serve any area within the State of North Carolina, shall register within thirty (30) calendar days of receiving authority to operate, or beginning operations, in North Carolina.
- b) Such registration shall be filed with the Commission's Executive Secretary and shall include the following information:
 - 1) Legal name of CMRS Service Provider;
 - 2) All business names used by the CMRS Service Provider in North Carolina;
 - 3) Name, title, mailing address, telephone number, fax number, and E-Mail address (if available) of the person to be contacted regarding 911 matters;
 - 4) A listing of all areas in which the CMRS Service Provider is authorized to serve any portion of North Carolina; and
 - 5) The FCC filer ID and FCC Registration Number of the CMRS Service Provider.
- c) Changes to any of the above-listed information shall be filed with the Board's Executive Director within thirty (30) calendar days of the effective date of such change(s). This filing requirement includes providing notice to the Board's Executive Director of any and all mergers, divestitures, acquisitions, or other similar actions affecting North Carolina service areas.

History note: *Authority: G.S. 62A-42, 62A-45*

Eff.

09 NCAC 06C.0302 is proposed for adoption as follows:

9 NCAC 6C.0302 CMRS Service Provider Reimbursement Plans

a) Any CMRS Service Provider desiring reimbursement of eligible expenses from the 911 Fund must prepare and submit a detailed cost recovery plan to the Board. Plans shall be reviewed by Board staff and any committee established by the Board for such purpose. Confidential information shall not be publicly disclosed. To provide the Board adequate information to make an informed decision, CMRS Service Providers seeking reimbursement shall:

- 1) Upon receipt of a request for wireless E911 service from a primary PSAP, the CMRS Service Provider will develop an implementation plan (the Plan, as described in paragraph b) for that PSAP, or the appropriate service area if the CMRS Service Provider serves more than one PSAP.
- 2) The relevant portions of the Plan, excluding confidential information, will be presented to the requesting PSAP. Upon acceptance of the Plan by the PSAP, the CMRS Service Provider will present the Plan to the Board for approval.

b) The Cost Recovery Plan shall:

- 1) Describe the chosen technology or technologies used for delivery of calls to the PSAP (SS7 solutions, LEC solution, third party service bureau, etc.)
- 2) Describe the architecture to implement the chosen technology(s) in areas or for PSAPs that have requested wireless or enhanced wireless 911 services, within the CMRS Service Provider's service areas, or statewide, as may be appropriate and relevant to the cost recovery plan. Indicate all counties and/or municipalities of the state in which the CMRS Service Provider provides wireless E911 service and where deployment is expected. Indicate areas of the state, if any, where deployment has already occurred.
- 3) List the known cost elements for the deployment, including non-recurring and recurring charges. Provide statewide costs, if possible.
- 4) Describe personnel costs (estimated number of hours and rates) and actual or proposed third party service rates, if any.
- 5) If cost recovery is proposed on a monthly 'per subscriber' rate, indicate the amount and describe the manner in which the rate was calculated.
- 6) Include an accounting of the estimated total of service charges that the CMRS Service Provider expects to remit to the Board as of the anticipated date of the first sworn invoice. Include an estimate of the anticipated monthly service charge remittances for the subsequent 12 months and the anticipated sworn invoices for the same period.

c) If any CMRS Service Provider believes that it can justify an exception to these CMRS Service Provider 911 Recovery Procedures or to any decision of the 911 Board pursuant to these procedures, it may submit its request and documentation supporting its request to the Board at least fifteen days prior to the Board's next scheduled meeting. The Board will consider the exception request at its next scheduled meeting and shall convey its decision in writing to the requesting CMRS Service Provider.

Note: A list of one-time and recurring costs include: Trunk costs comprising Trunking and Connection fee to 911 Selective Router (per DS0); Engineering & Network Costs comprising Facilities, T-1's, selective router ports, Routing Charges, Operations, Engineering, Switch upgrades, Research & Development, Network design, Test plan development; and Database Costs comprising P-ANI administration, Database management and Reporting/Software.

History note: *Authority: G.S. 62A45*

Eff.

09 NCAC 6C.0303 is proposed for adoption as follows:

09 NCAC 6C.0303 Cost Recovery Plan Review

- a) The Board may establish a committee to review CMRS Service Providers' cost recovery plans.
- b) Any committee will include the Board's Executive Director, chairperson (or his or her designee), the Board's auditor or financial advisor, and one or more Board members who are familiar with the technical aspects of Enhanced 911 Systems. Board members representing CMRS Service Providers cannot be members of this committee.
 - 1) The initial plan presented to the Cost Recovery committee is intended to allow for the recovery of a CMRS Service Provider's cost on a one-time basis and/or recurring (monthly) basis. The Board may create and periodically revise a list of permitted expenditures consistent with G.S. 62A-45.
 - 2) The committee will refer the plan to the Board with a recommendation that it either be approved or rejected. If the recommendation is for rejection, the committee will provide the reason, in writing, to both the Board and the CMRS Service Provider. The subcommittee shall indicate whether the Plan complies with the limitations of G.S. 62A-45(a).
- c) After review by the committee, the CMRS Service Provider will present the plan to the Board at its next regular meeting. Information deemed confidential or proprietary by a CMRS Service Provider as described in G.S. 62A-52 shall not be presented in a public meeting. The Board will not approve payment of any amount in excess of the actual cost of the CMRS Service Provider in providing Enhanced 911. The Board will vote on the plan and provide the CMRS Service Provider, in writing and within 5 working days, either approval or denial. If rejected, the Board will provide documented reasons. The CMRS Service Provider may revise and resubmit its plan at subsequent meetings.
- d) Once a plan is approved, the CMRS Service Provider may file claims for reimbursement. One time costs, if any, will be reimbursed upon submission of sworn invoices. The amount of reimbursement that the CMRS Service Provider is entitled to receive on a recurring costs basis may be calculated as follows, or by other method approved by the Board upon request of a CMRS Service Provider:
 - 1) by multiplying the number of CMRS subscribers receiving wireless Enhanced 911 service as reported by the CMRS Service Provider prior to its request for reimbursement, by the amount authorized per subscriber for cost recovery by the Board. CMRS Service Providers will be required to report their subscriber counts no less than once per quarter. The dollar amount paid to the CMRS Service Provider will vary based on total number of subscribers reported by the CMRS Service Provider or
 - 2) by submission of the actual or estimated recurring costs incurred by the CMRS Service Provider and approved by the board. If the estimated costs are submitted, these costs must be corrected by comparison with actual costs not less than annually; or,
 - 3) by a combination of the methods above.
- e) The Board may require periodic review and approval of a CMRS Service Provider's plan, but no more often than once per calendar year. After the initial one-year approval period has expired, presentation of a plan for re-approval may be in writing or in person if the Cost Recovery Subcommittee or Board requires.

f) Once a plan is approved, changes to the plan must be submitted in writing and approved by the Board. A CMRS Service Provider may request an adjustment of the reimbursement rate at any time upon written notice to the Board. Proper justification will be required.

History Note: Authority G.S. 62A-45
Eff.

09 NCAC 06C.0304 is proposed for adoption as follows:

9 NCAC 6C.0304 CMRS Service Provider Reimbursement

- a) Sworn invoices must be attested to by an authorized agent of the CMRS Service Provider. Only costs which comport with an approved Plan are eligible for cost recovery. Costs may be the actual incurred costs of the CMRS Service Provider, an estimate of the incurred costs, or the approved rate per subscriber multiplied by the actual subscriber count. If estimated costs are used, CMRS Service Provider must annually true up its costs to ensure that over-recovery does not occur. CMRS Service Providers must maintain records to demonstrate that costs were actually incurred as invoiced. Internal costs (engineering time, facilities, proportionate share of software, etc.) must be supported by reasonable documentation. All costs are subject to audit by the Board.
- b) A CMRS Service Provider may be reimbursed for actual one-time costs incurred for their selected E911 solution prior to the Board's approval of a CMRS Service Provider's Cost Recovery Plan upon authorization of the Board's Chair and Executive Director. As a condition of such reimbursement, the CMRS Service Provider must sign an agreement stating that if a mistake in payment is made, the CMRS Service Provider will refund any amounts determined by the board to be mistakenly distributed.
- c) CMRS Service Providers shall not be reimbursed in excess of actual and approved costs.

History note: *Authority: G.S. 62A-45*

Eff.

09 NCAC 06C.0305 is proposed for adoption as follows:

9 NCAC 6C.0305 CMRS Service Provider Reporting

- a) CMRS Service Providers shall submit quarterly reports to the Board that identify or graphically depict areas of the state in which wireless or enhanced wireless 911 services have been implemented and indicating the schedule, if known, for implementing such services in the CMRS Service Providers' remaining service areas.
- b) Each CMRS Service Provider shall file an annual report with the Board, by February 15th of each year, that provides total customer count as of December 31 of the preceding year. This annual report, as well as the required monthly reports, shall be subject to verification by the Board.

History note: *Authority: G.S. 62A-45, 62A-51*
Eff.

09 NCAC 06C.0306 is proposed for adoption as follows:

9 NCAC 6C.0306 Remittance of Service Charges

a) Service Providers shall remit service charges to the 911 Board:

911 BOARD
INFORMATION TECHNOLOGY SERVICES
P.O. BOX 17209
RALEIGH, NORTH CAROLINA 27619-7209

b) Service Providers may remit funds by check payable to the Board, or by electronic funds transfer upon satisfaction of transaction processing requirements.

c) Voice communications service providers that assess the service charge to resellers of their services shall remit such service charges to the Board.

d) The Office of Information Technology Services (ITS) Fiscal Services will act as the receiving agent for the Service Providers' monthly payments and as the administrator of the 911 Fund.

e) Funds will be deposited in accordance with the State Cash Management Plan.

History note: *Authority: G.S. 62A-43, 147-86.11*
Eff.

09 NCAC 06C.0307 is proposed for adoption as follows:

09 NCAC 06C.0307 PREPAID WIRELESS SERVICE

- (a) A Reseller of wireless services is not responsible for collecting and remitting the service charge if such Reseller's voice communication service supplier remits the appropriate service charges for the wireless services resold by such Reseller.
- (b) A Reseller of wireless services shall give notice to the Board if the service charges will be remitted to the Board by such Reseller's voice communication service supplier(s). Notice shall include the identity of the voice communication service supplier(s), the contract(s) or other document(s) together with information as may be necessary or proper to calculate the appropriate service charge, and such other information as may be required by the Board.
- (c) A Reseller of wireless services that does not remit service charges is not eligible for reimbursement under G.S. 62A-45.
- (d) Contract or other information submitted to the Board may be proprietary under G.S. 62A-52. Any confidential information shall be marked accordingly prior to delivery to the Board.

History Note: *Authority* G.S. 62A-43;
 Eff.

09 NCAC 06C.0401 is proposed for adoption as follows:

SECTION .0400 – GRANT FUND

09 NCAC 06C.0401 PSAP GRANTS

(a) After establishing a Grant Account, the Board shall publish a notice of grant availability to primary PSAPs and governing entities operating primary PSAPs.

(b) Any primary PSAP or the governing entity operating a primary PSAP may apply for a grant.

(c) Each applicant applying for Grant funds shall complete and submit an application, in the form prescribed by the Board, which is incorporated herein by reference and which may be obtained from the Board office at the following address:

Executive Director, 911 Board

c/o NC Office of Information Technology Services

P.O. Box 17209

Raleigh, NC 27609

(d) The Board will accept grant applications as stated in the Board's published notice of grant availability. Grant applications submitted that do not conform to the Board's published requirements may be considered in the discretion of the Board, provided that Grant funds are not exhausted by conforming grant applications and non-conforming grant applications satisfy G.S. 62A-47.

(e) Applications for grants for each item over \$25,000 must be accompanied by at least three written competitive quotes. The Board will compare the three quotes to any existing state contract in order to determine appropriate funding.

History note: *Authority* G.S. 62A-43;

Eff.

09 NCAC 06C.0402 is proposed for adoption as follows:

09 NCAC 06C.0402 PSAP GRANTS FOR CONSTRUCTION

(a) General.

(1) As a condition for receipt of a grant from the North Carolina 9-1-1 Board for any type of new construction or for a renovation of an existing structure and/or facility incorporated into the construction agreement(s) shall be the following requirements.

(2) The requirements in this Section, PSAP Grants for Construction, shall apply only to new construction and construction renovations funded by the North Carolina 911 Board. Existing PSAP facilities are encouraged to meet these standards, but are not required to meet these standards.

(b) HVAC.

(1) HVAC systems shall be designed to maintain temperature and relative humidity within limits specified by the manufacturer of the equipment critical to the operation of the PSAP.

(2) HVAC systems shall be independent systems that serve only the PSAP.

(3) HVAC system intakes for fresh air shall be arranged to minimize smoke intake from a fire inside or outside the building and to resist intentional introduction of irritating, noxious, toxic, or poisonous substances into the HVAC system.

(4) HVAC emergency controls shall be provided in the operations room to permit closing of outside air intakes.

(5) Backup HVAC systems shall be provided for the operations room and other spaces housing electronic equipment essential to the operation of the PSAP.

(6) HVAC systems shall be designed so that the PSAP is capable of uninterrupted operation with the largest single HVAC unit or component out of service.

(c) Fire Protection.

(1) The PSAP and spaces adjoining the PSAP shall be provided with an automatic fire detection, alarm, and notification system.

(2) The alarm system shall be monitored in the operations room.

(3) Operation of notification appliances shall not interfere with communications operations.

(4) Electronic computer and data processing equipment shall be protected in accordance with the manufacturer's recommended specifications, and common business practices.

(d) Security.

(1) The PSAP and other buildings that house essential operating equipment shall be protected against damage from vandalism, terrorism, and civil disturbances.

(2) Entry to the PSAP shall be restricted to authorized persons.

(3) Entryways to the PSAP that lead directly from the exterior shall be protected by a security vestibule.

(4) Door openings shall be protected by listed, self-closing fire doors that have a fire resistance rating of not less than 1 hour.

- (5) Where a PSAP has windows, the following requirements shall apply:
- (A) Windows shall be a minimum of 4 ft (1.2 m) above floor level.
 - (B) Windows shall be rated for bullet resistance to Level 4 as defined in UL 752, Standard for Safety Bullet-Resistant Equipment.
 - (C) Windows that are not bullet resistant shall be permitted provided that they face an area that cannot be accessed or viewed by the general public.
 - (D) Windows that are required to be bullet resistant shall be configured so that they cannot be opened.
 - (E) Walls with bullet-resistant windows shall be required to provide the same level of protection as the window.
- (6) Means shall be provided to prevent unauthorized vehicles from approaching the building housing the PSAP to a distance of no less than 82 ft (25 m).
- (7) As an alternative to prevent unauthorized vehicles, unauthorized vehicles shall be permitted to approach closer than 82 ft (25 m) if the building has been designed to be blast resistant.
- (e) Lighting.
- (1) Artificial lighting shall be provided to enable personnel to perform their assigned duties.
 - (2) Emergency Lighting. The PSAP shall be equipped with emergency lighting that shall illuminate automatically immediately upon failure of normal lighting power.
 - (3) Illumination levels shall be sufficient to allow all essential operations.
- (f) Circuit Construction and Arrangement.
- (1) As built drawings shall be provided.
 - (2) Circuits shall not pass over, pass under, pass through, or be attached to buildings or property that is not owned by, or under the control of, the PSAP or the entity that is responsible for maintaining the system.
 - (3) Emergency 911 call instruments installed in buildings not under control of the PSAP shall be on separate dedicated circuits.
 - (4) The combination of public emergency services communication and signaling (C&S) circuits in the same cable with other circuits shall comply with the following:
 - (A) Other municipally controlled C&S circuits shall be permitted.
 - (B) Circuits of private signaling organizations shall be permitted only by permission of the PSAP.
- (g) Underground Cables.
- (1) Underground communication and signal cables shall be brought above ground only at points where the PSAP has determined there is no potential for mechanical damage or damage from fires in adjacent buildings.
 - (2) All cables that are installed in manholes, vaults, and other enclosures intended for personnel entry shall be racked and marked for identification.

(3) Cable splices, taps, and terminal connections shall be located only where accessible for maintenance and inspection and where no potential for damage to the cable due to falling structures or building operations exists.

(4) Cable splices, taps, and terminal connections shall be made to provide and maintain levels of conductivity, insulation, and protection that are at least equivalent to those afforded by the cables that are joined.

(h) Aerial Cables and Wires.

(1) Protection shall be provided where cables and wires pass through trees, under bridges, and over railroads, and at other locations where damage or deterioration is possible.

(i) Wiring Inside Buildings.

(1) Conductors at the PSAP shall extend to the operations room in conduits, ducts, shafts, raceways, or overhead racks and troughs of a construction type that protects against fire and mechanical damage.

(2) Cables or wiring exposed to fire hazards shall be protected from the hazard.

(3) At the PSAP, cable terminals and cross connecting facilities shall be located either in or adjacent to the operations room.

(4) All wired dispatch circuit devices and instruments whose failure can adversely affect the operation of the system shall be mounted in accordance with the following:

(A) On noncombustible bases, pedestals, switchboards, panels, or cabinets.

(B) With mounting designed and constructed so that all components are readily accessible.

(j) Circuit Protection.

(1) All surge arresters shall be connected to earth ground.

(2) All protective devices shall be accessible for maintenance and inspection.

(3) Wired Surge arresters shall be designed and listed for the specific application.

(4) Each conductor that enters a PSAP from a partially or entirely aerial line shall be protected by a surge arrester.

(k) Grounding.

(1) Sensitive electronic equipment determined by the PSAP to be essential to the operation of telecommunications and dispatching systems shall be grounded.

(2) Listed isolated ground receptacles shall be provided for all cord-and-plug-connected essential and sensitive electronic equipment.

(3) Unused wire or cable pairs shall be grounded.

(4) Ground connection for surge suppressors shall be made to the isolated grounding system.

(l) Access.

All equipment shall be accessible for the purpose of maintenance.

History Note: Authority G.S. 62A-47; 62A-42

Eff. _____

09 NCAC 06C.0403 is proposed for adoption as follows:

09 NCAC 6C.0403 GRANT AGREEMENTS

- a) Grant agreements shall comply with requirements of G.S. 143C and administrative rules.
- b) Unless otherwise determined by the Board, grant agreements will have a term not to exceed one year, and will begin on 1 July of the year awarded.

History note: *Authority: G.S. 62A-42, 62A-47, 143C-6-22,-23*

*Eff.*_____

09 NCAC 06C.0404 is proposed for adoption as follows:

09 NCAC 6C.0404 GRANT APPLICATION APPROVAL

- a) The Board will approve grants for leased equipment only if the applicant can demonstrate that a lease agreement would be financially beneficial to the grant program.
- b) Priorities for awarding of grants will be determined by the Board.

History note: *Authority: G.S. 62A-47*

*Eff.*_____

09 NCAC 06C.0405 is proposed for adoption as follows:

09 NCAC 6C.0405 GRANT FUNDS

- a) Grant funds shall be deposited in a bank account maintained by the applicant, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the Board.
- b) Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee must return the grant funds to the Board on a pro-rata basis.

History note: *Authority: G.S. 62A-47*

Eff. _____

09 NCAC 06C.0406 is proposed for adoption as follows:

09 NCAC 06C.0406 GRANTEE REPORTS

Grantees must submit reports to the Board summarizing expenditures of the grant funds and the activities supported by the grant funds. Unless otherwise stated in a Grant Agreement, the reports are due 15 days after the end of the reporting periods, which end September 30, December 31, March 31, and June 30. A final report must be submitted to the Board no more than 45 days after completion of the grant, detailing the activities, expenditures of the funds, and the ways in which the needs identified in the grant application were met. The final report must be accompanied by supporting documentation for all expenditures of the grant funds.

*History Note: Authority G.S. 62A-47, 143C-6-22, and 143C-6-23;
 Eff.*